



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT **5-1**
PLANNING COMMISSION**

*Promoting the wise use of land
Helping build great communities*

MEETING DATE February 23, 2006	CONTACT/PHONE James Lopes (805) 781-5975	APPLICANT Midland Pacific Building Corporation/Michaud	FILE NO. TRACT 2633 SUB2003-00271
SUBJECT Proposal by Midland Pacific Building Corporation for the subdivision of one 24.43-acre parcel into 44 lots between 10,000 to 15,000 square feet in size and four open space parcels 0.2, 1.9, 2.9, and 4.8 acres in size. Proposed tract improvements include access roads, two detention basins, detached pedestrian walkways, a neighborhood park, and landscaping. The project site is located on the west side of Cemetery Road, approximately 1,500 feet south of 10th Street, in the community of San Miguel, in the Salinas River Planning Area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 2633 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted on July 5, 2005 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, noise, public services, recreation, transportation/circulation, wastewater, water and are included as conditions of approval.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 021-371-001	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: 22.104.020H – Highway Corridor Design Standards 22.104.070A.1 – Compliance with the San Miguel Design Plan. 22.104.070F.4 – Cemetery Road south of 10 th Street			
LAND USE ORDINANCE STANDARDS: 22.22.080 – Subdivision Design in Residential Single Family and Multi-Family Categories			
EXISTING USES: Vacant			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Commercial Retail/Vacant <i>East:</i> Recreation/ Vacant <i>South:</i> Public Facility/ Cemetery <i>West:</i> Agriculture/Scattered residences			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Advisory Council, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, San Miguel Community Services District, Cal Trans,	
TOPOGRAPHY: Gently sloping	VEGETATION: Scattered oaks, chaparral, grasses
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: San Miguel Fire Department	ACCEPTANCE DATE: July 14, 2004

ORDINANCE COMPLIANCE:

Minimum Parcel Size

22.22.080 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Single Family land use category. The standards are based on the type of access serving the property, the topography of the site, and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square foot parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Access	Located on a local street	6,000 square feet
Slope	Average slope is between 0 and 15 %	6,000 square feet
Water Supply and Sewage Disposal	Community Water Community sewer	6,000 square feet

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance, with the recommended conditions of approval.

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BACKGROUND

On November 15, 2005, the Board of Supervisors approved a request by the applicant to change the land use category from Agriculture to Residential Single Family and to include the property within the San Miguel Urban Reserve Line. This subdivision application was submitted for concurrent environmental review with the amendment. The concept for the amendment was to create a location for higher-end housing in San Miguel that would balance with the community's extensive areas of affordable housing. Major issues were addressed through the environmental determination concerning the loss of 20-acres of Agriculture category land with the introduction of a new urban residential use on the west side of Highway 101, visual impacts to existing rural views, and loss of kit fox habitat.

Subsequent to the amendment taking effect, the subdivision is being considered for a decision. The applicant proposes 44 residential parcels ranging from 10,000 to 15,000 square feet. Four open space parcels are proposed for a variety of functions – to retain and enhance a steep hillside and a drainage way, to locate a small park/playground, and to create a deep 100-foot front setback for a drainage basin and visual/noise buffer from Highway 101. Open space easements are proposed on lots 1 through 5 and 23 through 26 also for a landscape screen. Concepts for grading, landscaping, screening, use of open space, and residential design have been presented and evaluated.

PLANNING AREA STANDARDS:

Several planning area standards are applicable to the site as a result of the recent general plan amendment, as shown in Exhibit C. These standards implement mitigation measures that were identified as necessary to minimize the amendment's potentially significant visual and noise impacts. The attached mitigated negative declaration contains more discussion about these and other potential impacts and mitigation measures. The proposed lot sizes conform to a new area plan standard for a minimum 10,000 square-foot lot size, which has been deemed suitable for this location at the boundary of the community. The lot pattern places open space at the front and sides to contain screening vegetation, drainage basins, as required. Open space is also located on steep slopes at the rear and along a drainage way, as required. The concept drawings for the proposed houses and landscaping respond to the standards, but final drawings and selections need to come closer to the standards to be approved, which can occur with staff. The concept for the homes is to utilize a single story, hipped roofs and earhtone shades that will blend with the natural surroundings. Other features such as exterior lighting are planned for the subdivision that would comply with the ordinance upon more detailed review before map recordation.

STAFF COMMENTS:

The design of the proposed subdivision carries forward concepts presented with the recent general plan amendment: Large lots for up-scale single family residential production housing, within visual and noise buffers from Highway 101, neighborhood amenities such as walking paths, streetlights and a small park, and retaining the natural condition of steep slopes and a drainage way. Some features of the application are still conceptual, such as the home designs, landscaping and streetlights. A condition has been included that requires staff to review and approve the final designs prior to construction permit issuance. Similarly, the grading and drainage plan is not entirely consistent with the conditions and can be revised prior to

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recordation. Landscaping in particular will have to be proposed and sized to achieve specific growth objectives in terms of low-key natural-appearing screening plants that can obtain intended heights within specific time frames. A well-screened, unobtrusive subdivision is intended to result from the measures that have been identified.

COMMUNITY ADVISORY GROUP COMMENTS: The San Miguel Advisory Council reviewed this proposal and supports the project.

AGENCY REVIEW:

Public Works – Street improvements, streetlights, drainage basin, stormwater pollution prevention, utilities
Environmental Health – Letter of intent to serve for water, sewer and fire protection from San Miguel Community Service District
Ag Commissioner – Letter reviewing agricultural potential impacts
County Parks – Payment of Quimby fees
CDF – No comment
San Miguel Community Services District - Letter of intent to serve for water, sewer and fire protection
APCD – Letter reviewing air pollution potential impacts
Department of Fish and Game – Review of kit fox habitat and impacts
Cal Trans – Letter indicating adequate traffic capacity on Highway 101 and at 10th Street / Highway 101 interchange

LEGAL LOT STATUS:

The single existing lot was legally created by a recorded map at a time when that was a legal method of creating lots

EXHIBITS:

- A: Findings
- B: Conditions of Approval
- C: Planning Area Standards
- D: Maps and Graphics

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FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 5, 2005 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, noise, public services, recreation, transportation/circulation, wastewater, water and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Single Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support the proposed single family residential parcels within visual and noise buffer areas, outside a natural drainage way and below steep slopes.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the San Joaquin kit fox is the only sensitive species identified on the site, and the project will contribute to the purchase of land for conservation of the kit fox species.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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EXHIBIT B

CONDITIONS OF APPROVAL FOR TRACT 2633

Approved Project

1. Proposal by Midland Pacific Building Corporation for the subdivision of one 24.43-acre parcel into 44 lots between 10,000 to 15,000 square feet in size and four open space parcels 0.2, 1.9, 2.9, and 4.8 acres in size. Proposed tract improvements include access roads, two detention basins, detached pedestrian walkways, a neighborhood park, and landscaping.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. On-site roads constructed to an A-2 section within a 50-foot dedicated right-of-way.
 - b. Cemetery Road widened to complete an A-1(d) section fronting the property.
3. The applicant shall offer for dedication to the public by certificate on the map or by separate document:
 - a. A minimum 20-foot radius property line return at the intersection of all streets.
5. The intersection of on-site streets and Cemetery Road shall be designed in accordance with California Highway Design Manual, Figure 405.7.
6. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

7. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Tree removal/retention plan for trees to be removed and retained associated with an existing oak tree between lots 26 and 27 and the required improvement for the land division, to be approved jointly with the Department of Planning and Building.

- ## Drainage

11. The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
12. Submit complete drainage calculations to the Department of Public Works for review and approval.
13. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
14. If a drainage basin is required, the drainage basin along with rights of ingress and egress be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
15. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

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Utilities

16. Electric and telephone lines shall be installed underground.
17. Cable T.V. conduits shall be installed in the street.
18. Gas lines shall be installed.

Design

19. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Parks and Recreation (Quimby) Fees

20. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

21. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

22. Prior to filing the final map, an open space easement be recorded for the open space parcel(s). It is to be held in common by the Homeowner's Association. The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

23. ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Chapter 22.16/Section 23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include landscaping for erosion control.

24. All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within 60 days of completion of the improvements.

Mitigations

AESTHETICS

25. **Prior to approval of the improvement plans**, the applicant shall submit revised grading and drainage plans to the Department of Planning and Building and County Public Works for review and approval showing the following:
- a. The finished building pad for each residential structure shall be constructed below an elevation calculated to be the average of the highest natural elevation and the lowest natural elevation (the existing average natural elevation) on lots 1 - 6, 11 and 16 - 23 (except within scenic landscape easement areas, which shall not be excavated other than for slope contouring); at or lower than the average natural elevation on lots 26 - 31; and no more than three feet above average natural elevation where necessary on lots 7 - 10, 12 - 15, and 32 - 44 (listed numbers are inclusive). Scenic landscape easement areas on lots 1 - 6 and 23 - 26 shall not be graded below natural grade. Grading cuts shall be located within individual lots to the extent possible.
 - b. All cut and fill slopes shall include slope-rounding to reduce the transition between adjacent slope-angles and so the slopes appear as naturally occurring landforms to the greatest extent possible.
 - c. Earthen berms along the entire length of the landscape buffers on the southern, eastern and the northern perimeters of the project. The berms shall be contour graded to appear as a natural landform to the greatest extent possible, with varying degrees of slope, between 2:1 and 4:1 (vertical:horizontal). The berms on the eastern border of the site shall be a minimum of 8 feet tall, and berms on the southern and northern borders shall be 4 to 5 feet tall minimum.
 - d. Storm water detention basins shall be reconfigured if necessary to accommodate the earthen berms.
 - e. Notes that topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to any cut slopes and to the earthen berms.
 - f. Retention of native chaparral and shrubs where feasible to assist in screening, by avoiding grading or berming.
 - g. A slope revegetation and erosion control plan. The slope revegetation and erosion control plan shall be prepared by a qualified erosion control and revegetation expert approved by the County. The erosion control strategy shall include a mechanical component such as erosion control blanket, as well as a seed mix including grass species found on the adjacent hillsides.
26. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet **shall be recorded with the final parcel or tract map**. The additional map sheet shall include the following:
- a. **Prior to issuance of construction permits**, applicants shall submit architectural plans and elevations of all proposed structures to the Department of Planning

and Building for review and approval. The plans and elevations shall show forms, dimensions, exterior finish materials, and colors as follows:

- (1) The maximum height of all residential structures shall not exceed 20 feet above finished pad elevation;
 - (2) The residential structures shall use hipped-roof forms, except that gable roof ends may be utilized as secondary accent or entry features where their eave lines shall be no higher than two feet above the primary roof eave, their peak shall no higher than 14 feet and be below the primary roof ridgeline in elevation view. The pitch of gable roofs shall be at or below 4:12.
 - (3) Exterior colors of all structures, including the residence, retaining walls and other walls shall be limited to muted darker earth tones no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building, and;
 - (4) Roof colors shall be limited to deep earth tones, deep muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. Red, terra cotta and orange colors shall not be used. Glossy roofing material shall not be used.
- b. That secondary dwellings shall not be allowed on all lots within the subdivision.
 - c. That street side yard setbacks shall be maintained by individual lot owners in landscaping and remain unfenced except by open fencing no higher than 3 feet in height, consistent with Land Use Ordinance Section 22.10.080C.
 - d. **Prior to sale of any lot**, the applicant shall provide future landowners with a notification of adjacent agricultural activities and a copy of the County of San Luis Obispo Right-to-Farm Ordinance.
 - e. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - f. An agricultural buffer prohibiting residential structures, consisting of 50 feet over lot 6 measured from the rear property line, shall be shown on the additional map sheet. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
 - g. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - h. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - (1) Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - (2) In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
 - i. **Prior to issuance of construction permits**, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State

Water Resources Control Board (SWRCB). The plan shall be implemented prior to and during proposed grading and construction activities.

- 27. Prior to recordation of the final map,** the applicant shall submit a landscape and irrigation plan for the front landscape area and north and south side scenic landscape easements, and interior screening trees, to include:
- a. Native, drought-tolerant plants and trees selected for their year-round screening capabilities.
 - b. Plant selection and design that presents a classic, early California landscape rather than modern, ornamental or Mediterranean designs.
 - c. Minimum 24-inch box container size for all screen trees in scenic landscape areas, street trees and screening yard trees.
 - d. Trees and large-growing shrubs that provide 50 percent screening of structures within five years of initial planting and 80 percent screening of structures within 10 years of planting.
 - e. Planting design that forms clusters and diagonal screens of views from north and southbound traffic on Highway 101 and Cemetery Road, explicitly for screening of residential structures, fences and walls.
 - f. Design and location of yard fences or walls located within the front, north and south scenic landscape areas such that they are screened from view of Highway 101 and Cemetery Road, or are designed with open wire, rural character.
 - g. No irrigated turf or ornamental ground covers shall be used within landscape buffer areas.
 - h. Street trees to be species from the scenic landscape plan, rather than ornamental trees, to provide interior screening within the tract.
 - i. Yard trees within lots 7 – 10, 12 – 15, 32 – 44 for supplemental screening of structures where pad elevations are at grade or above.
 - j. Creek natural area landscaping, including riparian trees such as Live oak, Sycamore and Willow, to provide visual definition of the corridor, shading and wildlife value.
 - k. Retention of native trees that are greater than two inches caliper where feasible.
 - l. Walkways to be of durable permeable material, except the front walkway parallel to Cemetery Road shall be six feet wide and of material to achieve ADA compliance, and shall be routed northeasterly to within eight feet of the Cemetery Road right-of-way.
- 28. Prior to recordation of the final map,** the screen planting and tract improvement areas of the landscape plan (identified in no. 27) shall be implemented (installed), and the applicant shall provide a letter to the County of San Luis Obispo Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified professional for the purpose of monitoring the success of the screen planting area, with responsibility transferred to the Home Owners Association once the applicant is no longer a majority interest in the HOA. This arrangement is to be stated in the CC&Rs.
- a. All trees (existing, planted, and transplanted) within the screen planting area shall be maintained until fully established and shall provide 50 percent screening of structures within five years of initial planting, 80 percent screening of structures within 10 years of planting as determined by the contracted landscape professional.
 - b. Trees within the screen planting area that die shall be replaced.

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- c. If 100 percent of landscape screening is not maintained and growing, accounting for standard plant replacement factor of approximately 25 percent, within one year of tract improvement approval, the County shall withhold occupancy permits and final inspection of residences.
 - d. The monitoring contract shall include funding by the applicant and, upon transfer, the Home Owners Association, to pay for the monitor to conduct at a minimum an annual site visit and assessment of the planting success for either; ten years or attainment of 80% screening, whichever comes first, and provide an annual monitoring report.
 - e. The report shall be submitted annually to the Department of Planning and Building for approval and shall be used as a determining factor in assessing the successful establishment and maintenance of the planting.
29. **Prior to recordation of the final subdivision map**, the applicant shall submit exterior lighting plans to the Department of Planning and Building for review and approval showing the following:
- a. The maximum height of street light standards shall be twelve feet above ground;
 - b. Direct views of all exterior lighting sources including street lights and residential lights shall be shielded from view from public roads;
 - c. Lights shall be designed and constructed to reduce illumination of the hillside west of the project, and;
 - d. Illumination levels of street lights shall be the minimum required by public safety policy and ordinances as demonstrated by a photometrics analysis.
 - e. Proposed selection of residential exterior lights that meet these criteria and Land Use Ordinance Section 22.10.060 as examples for inclusion within the CC&Rs as preferred types of lights, and provide examples of discouraged or prohibited lights as information to future homeowners.
30. **Prior to final tract inspection**, the approved lighting plan shall be installed and tested for consistency with the required performance.

AIR QUALITY

31. **Prior to approval of improvement plans**, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
32. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures:
- a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;

- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off;
 - k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.
33. All PM10 mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
34. **Prior to approval of improvement plans**, the following notes shall be shown on construction plans, and shall be implemented during construction:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); and,
 - c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines.
35. Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

BIOLOGICAL RESOURCES

36. **Prior to recordation of the final map**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states

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that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 58 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) or other Department-approved organization pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", totals \$145,000. This fee must be paid after the Department provides written notification about the approved mitigation options, and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 58 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 58 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

The purpose of the easement is to retain the existing wildlife movement corridor located on the project site and to set aside an un-fragmented section of land that will benefit the San Joaquin kit fox along with other associated plant and animal species. The easement shall:

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- 1) Provide a complete corridor through the subject property;
- 2) Prohibit development of the area, including agricultural development;
- 3) Prohibit removal or alteration of native plants and animals;
- 4) Prohibit use of the area for agricultural staging activities or storage of any kind;
- 5) Allow for scientific investigation conducted as part of a project of plan instigated by the land owner, or otherwise approved by the land owner and the United States Fish and Wildlife Service and/or California Department of Fish and Game; and
- 6) Allow for flood control and stream bank stabilization activities conducted with approved state, federal, and local permits.

The easement shall not allow for or imply public access.

37. **Prior to approval of improvement plans**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
 - a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - b. Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.
38. **Prior to approval of improvement plans**, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
39. **Prior to approval of improvement plans**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
40. **To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation**, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

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41. **During the construction**, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.
42. All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
43. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
44. All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.
45. No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:
 - a. Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - 1) Potential San Joaquin kit fox den: 50 feet
 - 2) Known San Joaquin kit fox den: 100 feet
 - 3) San Joaquin kit fox pupping den: 150 feet
 - b. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
 - c. If any known or potential San Joaquin kit fox dens are discovered within the building envelope that shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

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46. Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.
47. Prior to final inspection, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
48. If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches;
49. If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94559
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

50. **Prior to approval of improvement plans**, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey for burrowing owl. The survey shall be conducted within 30-days prior to site disturbance. Results of the survey shall be documented in a report and shall include the date of the survey, methods of inspection, and findings. The report shall be submitted to the County Division of Environmental and Resource Management and the California Department of Fish and Game (CDFG). If no burrowing owls are found to occupy the site at that time, no further measures would be necessary.

If burrowing owls are found within the project site, the CDFG shall be immediately contacted and all measures identified by CDFG and recommended by the retained biologist shall be implemented. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies that either: 1) birds have not begun egg-laying and incubation or 2) that juveniles from the occupied burrows are foraging independently and capable of

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independent survival. This measure, as well as additional measures required by CDFG for avoiding and mitigating burrow disturbance, shall be implemented if burrowing owls are found on site during the survey.

51. **Prior to approval of improvement plans**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.
52. **Prior to approval of improvement plans**, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.
53. **Prior to approval of improvement plans**, the applicant shall consult with the California Department of Fish and Game (CDFG) to determine if a Streambed Alteration Permit is necessary for construction of the proposed road within the natural flow path leading into the drainage. The applicant shall submit a copy of the permit or documentation from CDFG stating that a permit is not necessary prior to disturbance within the drainage path.

CULTURAL RESOURCES

54. **Prior to approval of and upon submittal of tract improvement plans**, the applicant shall submit a monitoring plan prepared by a qualified historic archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
 - a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.
55. **Prior to approval of improvement plan and grubbing and ground disturbance**, the applicant shall retain a qualified archaeologist and Native American approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

56. **Upon completion of all monitoring/mitigation activities, prior to recordation of the map**, whichever occurs first, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

NOISE

57. **Prior to final inspection of tract improvements**, the applicant shall construct the approved 8-foot tall earthen berm as close as possible to the eastern perimeter of Lots 1, 11, and 16 through 23 for maximum attenuation. The berm shall be fully landscaped to minimize erosion and ensure long-term stability.

TRANSPORTATION AND CIRCULATION

58. **Prior to recordation of the final map**, the applicant shall submit revised plans showing the following:
- a. Right and left turn lanes at the main exit.
 - b. A 40-foot by 40-foot sight triangle free of signs, vegetation, and fences over 32 inches in height at both entrance and exit locations.
 - a. Lighting at both entrance and exit locations.

WASTEWATER/WATER

59. **Prior to recordation of final map**, the applicant shall obtain a final will-serve letter for water and sewage service from the San Miguel Community Services District.
60. **Prior to recordation of final map**, the applicant shall construct water and sewer improvements built to each parcel or shall post a monetary bond to perform the work at a later date.

Covenants, Conditions and Restrictions

61. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval, establishing a Homeowners Association with responsibilities for upholding the CC&Rs and other relevant tract Conditions of Approval. The CC&R's shall provide at a minimum the following provisions:
- a. On-going maintenance of drainage basin in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of landscaping, street trees in open space and common areas.
 - c. That street side yard setbacks shall be maintained by individual lot owners in landscaping and remain unfenced except by open fencing no higher than 3 feet in height, consistent with Land Use Ordinance Section 22.10.080C.
 - d. That lot owners shall obtain approval of the Homeowners Association for any architectural changes, or within the front yard, any landscaping, fencing, or other changes from the tract improvements.
 - e. Operation and maintenance of all street lights, signage and facilities controlled by the association.

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- f. Maintenance of common areas in well-kept, presentable condition.
- g. Secondary dwellings shall not be allowed.
- h. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- i. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- j. Maintenance of all local streets within the subdivision until acceptance by a public agency.

Miscellaneous

- 62. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 63. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- 64. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

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12. Prior to submission of the map “checkprints” to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

EXHIBIT C
PLANNING AREA STANDARDS

Section 22.104.070.F.4.

- a. Subdivision design and density limitations. New land divisions shall be clustered to comply with the Highway Corridor Design Standards, to provide open space above the 687-foot elevation contour, along the drainage swale, and as provided below. The minimum parcel size shall be a minimum 10,000 square feet, with residential density limited to one unit per parcel.
- b. Setbacks. Proposed subdivision plans shall incorporate landscape buffers as follows:
 - (1) 15 feet along the southern property boundary;
 - (2) 100 feet along the eastern property boundary, and;
 - (3) 40 feet along the northern property boundary.
- c. Location limitation. Ridge top development shall be avoided, and future development shall not be constructed above the natural 687-foot elevation contour.
- d. Development and height limitations. All development shall visually blend with the existing topography, and all cut and fill slopes shall be rounded to reduce the transition between slope angles. The finished building pad for each proposed residential structure should be constructed at or lower than an elevation calculated to be the average of the highest natural elevation and the lowest natural elevation on that lot. The maximum height of each proposed residence shall not exceed 20 feet above the determined average natural grade for each proposed lot. The design of residences shall incorporate the use of hipped-roof design, and exterior colors shall be muted, earthtone shades and shall not have a Munsell chroma or value greater than six.
- e. Landscaping plan required. A landscape plan shall be submitted at the time of application and shall provide 50 percent screening of structures within five years of initial planting, 80 percent screening of structures within 10 years of planting, and shall utilize native, drought-tolerant vegetation. No irrigated turf or ornamental ground covers shall be used within landscape buffer areas.
- f. Exterior lighting plan required. An exterior lighting plan shall be submitted at time of application, and shall meet the following standards:
 - (1) The maximum height of street light standards shall not exceed twelve feet;
 - (2) Direct views of exterior lighting sources shall be shielded from view from public roads;
 - (3) Lights shall be designed and constructed to reduce illumination of the hillside to the west, and;
 - (4) Illumination levels of streetlights shall be the minimum required by public safety policy and ordinances.

5-24

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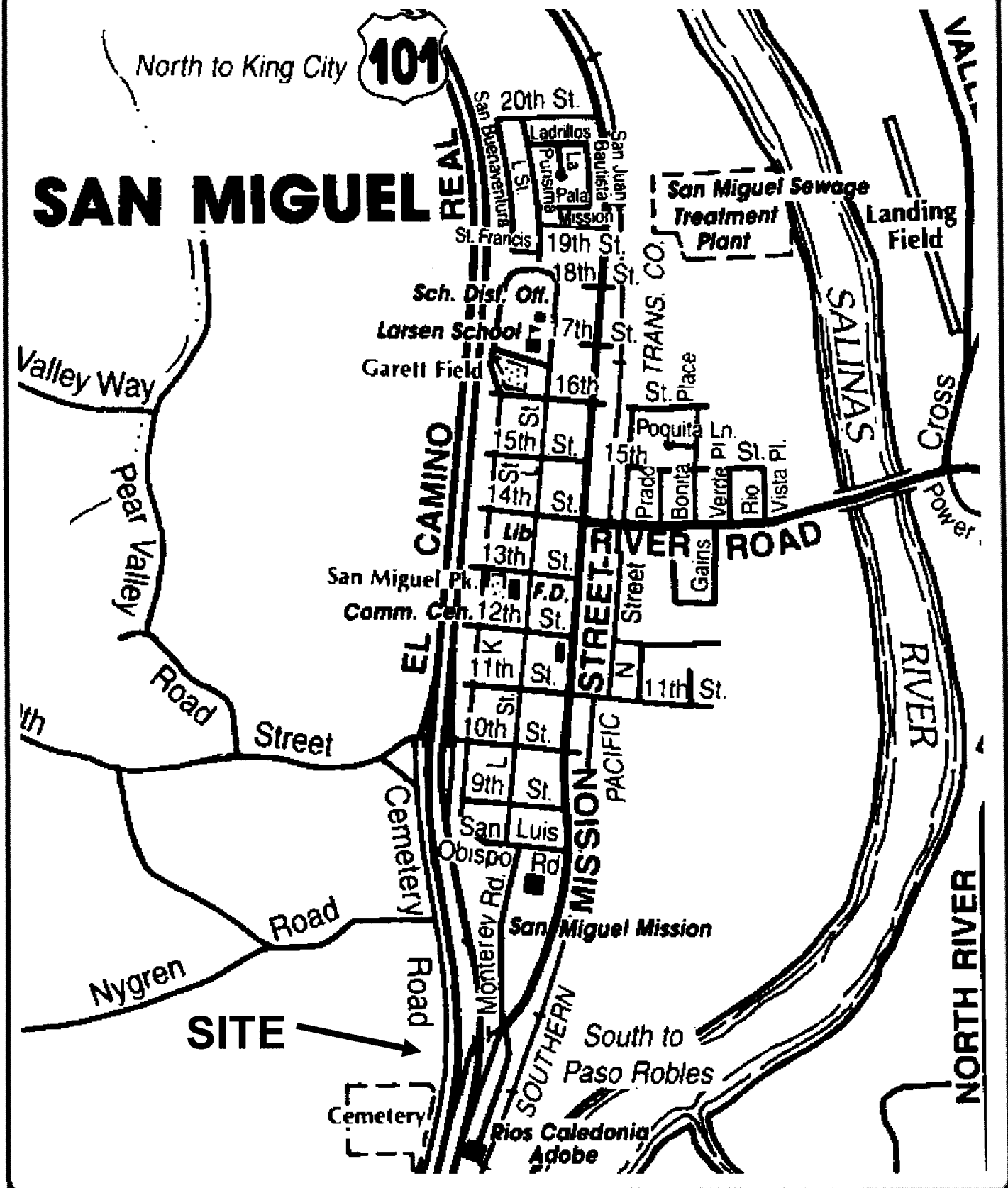
5-25

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PROJECT

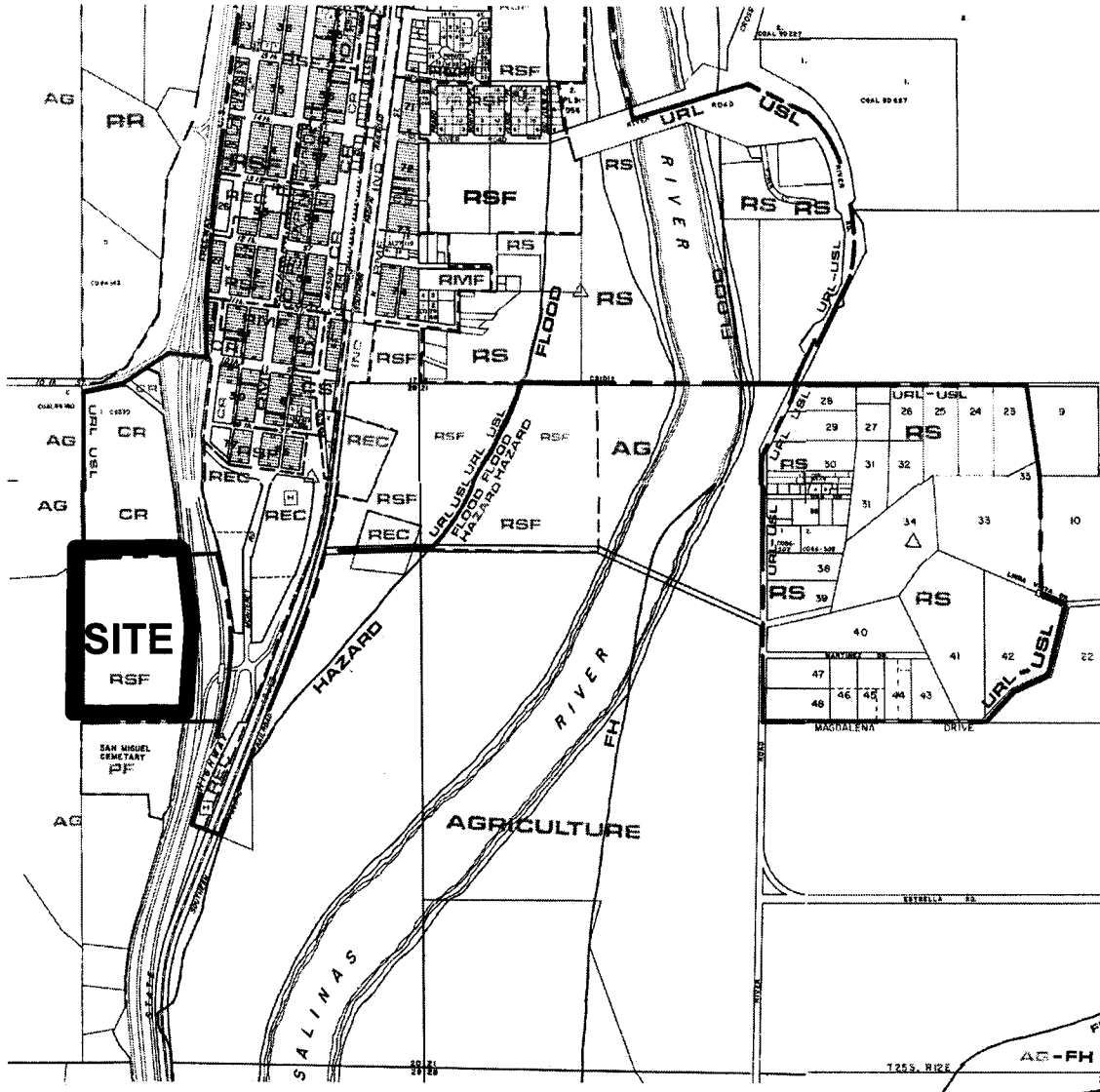
Vesting Tentative Tract map 2633
Midland Pacific – SUB2003-00271



EXHIBIT

Vicinity Map

5-28



LEGEND

LAND USE CATEGORIES

- Agriculture
- Commercial Retail
- Commercial Services
- Industrial
- Office & Professional
- Open Space
- Public Facility
- Recreation
- Residential Multi Family
- Residential Single Family
- Residential Suburban
- Residential Rural
- Rural Lands

COMBINING DESIGNATIONS

- Flood Hazard
- Airport Review Area
- Sensitive Resource Area
- Geologic Study Area
- Energy & Extractive Area
- Visitor Serving Area
- Historic
- Archaeologically Sensitive Area

COASTAL DESIGNATIONS

- Marine Habitat
- Coastal Creeks / Riparian Vegetation
- Wetlands
- Terrestrial Habitat

BOUNDARIES

- Urban Reserve Line (URL)
- Urban Services Line (USL)
- Village Reserve Line (VRL)
- Central Business District (CBD)
- Local Coastal Plan (LCP)
- Planning Area

PROJECT

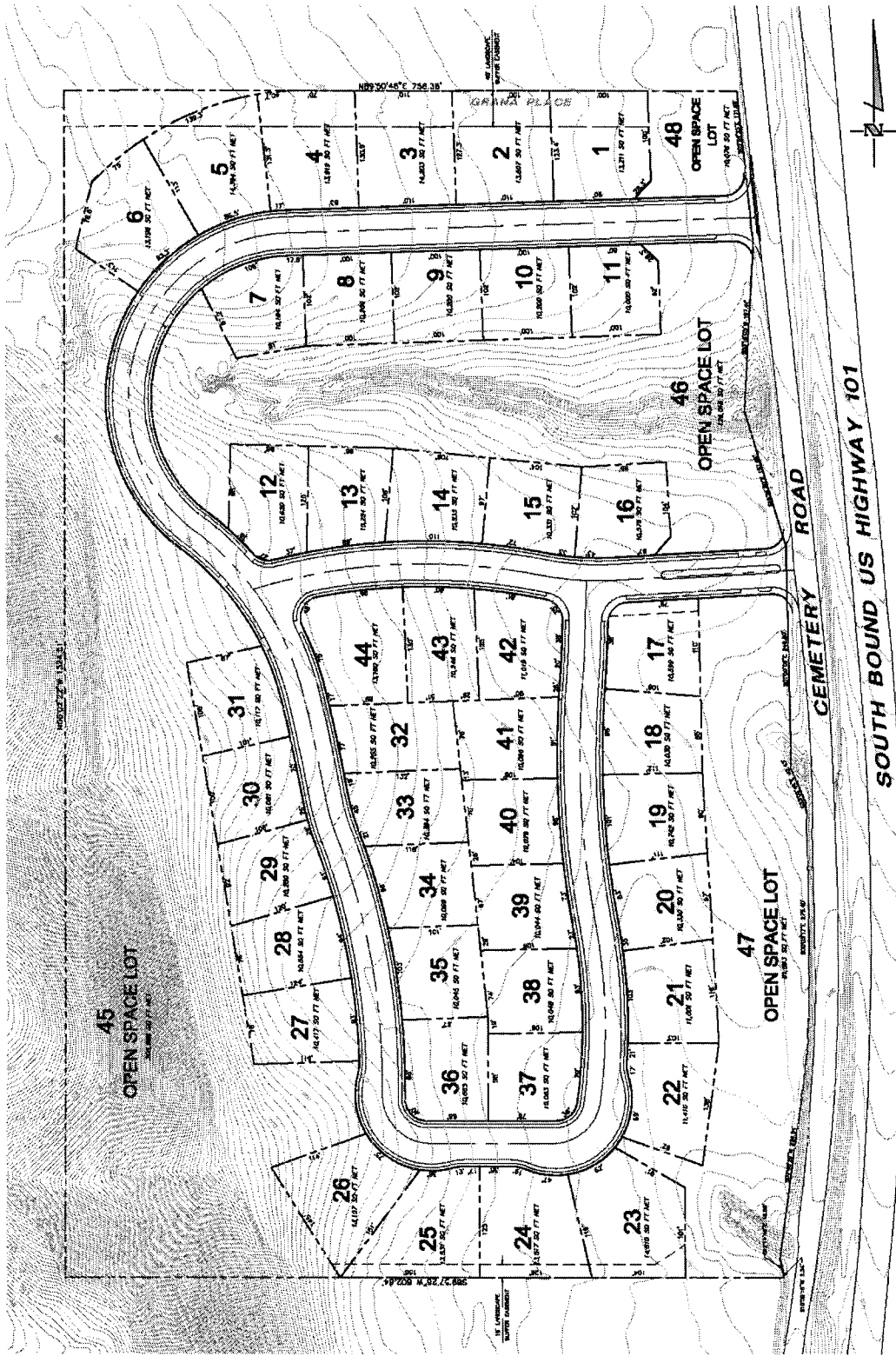
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EXHIBIT

San Miguel
Land Use Category Map

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Tentative Map
Mission Vineyard Estates
1403009
January 13, 2006

rm design group
creating environments people enjoy
1000 S. L. Highway 101, Suite 100, San Luis Obispo, CA 93401
Tel: 805.781.1111 Fax: 805.781.1112

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EXHIBIT

Tentative Tract Map 2633



rrm design group
creating environments people enjoy

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Grading & Drainage Plan



LANDSCAPE CONCEPTUAL
Mission Vineyard

rrmdesigngroup
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PROJECT

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Midland Pacific – SUB2003-00271



EXHIBIT

Landscape Conceptual Site Plan

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PRELIMINARY PLANT LIST

BOTANICAL NAME COMMON NAME



Ornamental Trees

<i>Cercis canadensis</i>	Eastern Redbud
<i>Ginkgo biloba</i>	Maidenhair Tree
<i>Lagerstroemia indica</i>	Crape Myrtle
<i>Magnolia</i> sp. 'Little Gem'	Southern Magnolia
<i>Pinus calleryana</i>	Ornamental Pear
<i>Robinia ambigua</i> 'Purple Robe'	Locust



Street Trees

<i>Arbutus 'marina'</i>	Marine Madrone
<i>Liriodendron tulipifera</i>	Tulip Tree
<i>Quercus agrifolia</i>	Coast Live Oak
<i>Pistacia chinensis</i>	Chinese Pistache
<i>Platanus acerifolia</i>	London Plane Tree



Open Space Trees

<i>Aesculus californica</i>	California Buckeye
<i>Platanus racemosa</i>	Western Sycamore
<i>Quercus agrifolia</i>	Coast Live Oak
<i>Quercus douglasii</i>	Blue Oak
<i>Quercus lobata</i>	Valley Oak



Shrubs and Groundcovers

<i>Arctostaphylos</i> Species	Manzanita
<i>Baccharis pilularis</i>	Dwarf Coyote Bush
<i>Ceanothus</i> Species	California Lilac
<i>Cistus</i> Species	Rockrose
<i>Encelia californica</i>	California Encelia
<i>Heteromeles arbutifolia</i>	Toyon
<i>Lupinus</i> Species	Lupine
<i>Mahonia</i> Species	Mahonia
<i>Rhamnus</i> Species	Coffeeberry
<i>Rhus</i> Species	Sumac
<i>Ribes</i> Species	Currant
<i>Rosemaria coulteri</i>	Matija Poppy
<i>Rosmarinus</i> species	Rosemary
<i>Salvia</i> Species	Sage



Drought Tolerant Hydrosed Mix



Turf

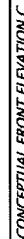
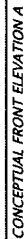
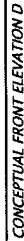
PROJECT

Vesting Tentative Tract map 2633
Midland Pacific – SUB2003-00271



EXHIBIT

Plant List
Landscape Conceptual Site Plan



Maximum Elevation Shall Be
20' Above Pad Elevation

Earth Tone Exterior Colors

IN COMPLIANCE WITH THE MEASURES PROVIDED WITHIN THE MITIGATED NEGATIVE
DECLARATION, THE FOLLOWING ELEMENTS WILL BE INCORPORATED WITHIN THE ARCHITECTURE:
-HIPPED-ROOF DESIGN
-MUTED EXTERIOR EARTH TONE COLORS
-20' MAXIMUM HEIGHT

ARCHITECTURE CONCEPTUAL FRONT ELEVATIONS
Mission Vineyard Estates
1403009
January 13, 2006
SCALE VARIES

rmdesigngroup

creating environments people enjoy

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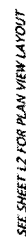
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Vesting Tentative Tract map 2633
Midland Pacific – SUB2003-00271



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CROSS SECTIONS
SCALE VARIES
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1403009

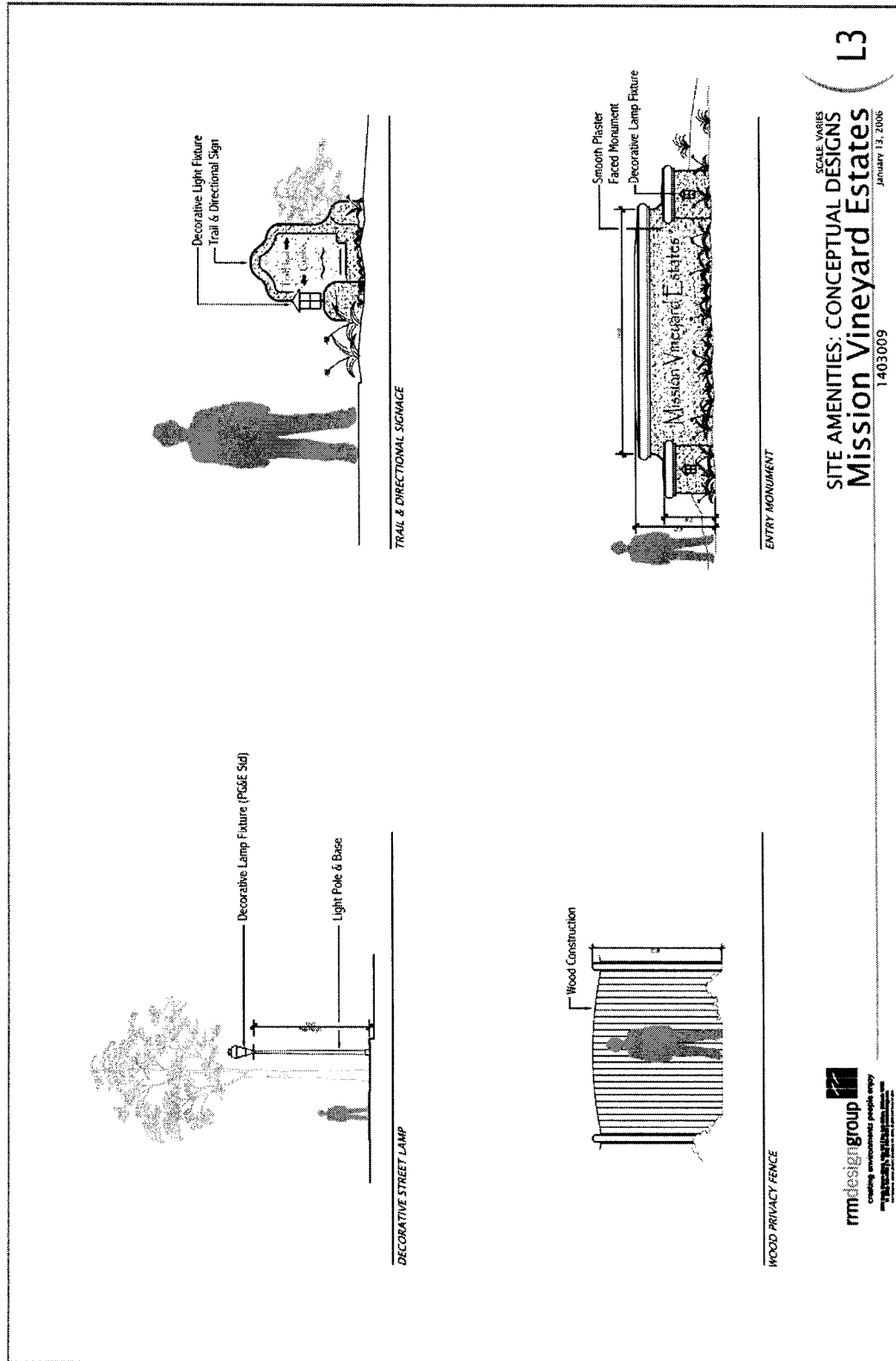
January 13, 2006

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Vesting Tentative Tract map 2633
Midland Pacific – SUB2003-00271



Cross Sections



PROJECT

Vesting Tentative Tract map 2633
 Midland Pacific – SUB2003-00271



EXHIBIT

Site Amenities



COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (JL)

ENVIRONMENTAL DETERMINATION NO. ED03-415

5-37

DATE: July 5, 2005

PROJECT/ENTITLEMENT: Michaud General Plan Amendment and Tract Map/Conditional Use Permit;
G030015M and SUB2003-00271 TR2633

APPLICANT NAME: Midland Pacific Building Corporation (Dennis Moresco)

ADDRESS: 6955 El Camino Real #200, Atascadero, CA 93422

CONTACT PERSON: Erik Justesen (RRM Design Group)

Telephone: 805-543-1794

PROPOSED USES/INTENT:

Request by Midland Pacific Building Corporation to (1) amend the Salinas River Area Plan of the County's Land Use Element by a) changing the land use category from Agriculture to Residential Single Family for approximately 24.43 acres; and b) by adding the subject parcel to the San Miguel Urban Reserve Line; and 2) to subdivide a 24.43 acre parcel into 48 lots consisting of 44 lots ranging from 10,000 to 15,000 square feet each, and four non-buildable open space parcels of 0.2, 1.9, 2.9, and 4.8 acres each. Proposed tract improvements include access roads, two detention basins, detached pedestrian walkways, a neighborhood park, and landscaping resulting in the disturbance of approximately 14.5 acres.

LOCATION: On the west side of Cemetery Road, approximately 1,500 feet south of 10th Street, southwest of the community of San Miguel, in the Salinas River (rural) planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Game, Regional Water Quality Control Board, State Water Resources Control Board

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on July 21, 2005
(Circle one) 20-DAY 30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ **Lead Agency**
☐ **Responsible Agency** approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Title

Date

Public Agency

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
ENVIRONMENTAL DIVISION

5-38

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: DRAFT

County: San Luis Obispo

Project No. ED 03-579

Project Title: Michaud General Plan Amendment and Tract Map/Conditional Use Permit;
G030015M and SUB2003-00271 TR2633

Project Applicant: Name: Midland Pacific Building Corporation (Dennis Moresco)

Address: 6955 El Camino Real #200

City: Atascadero, CA 93422

Phone #: (805) 543-1794

Please remit the following amount to the County Clerk-Recorder:

() Environmental Impact Report	\$	850.00
() Negative Declaration	\$	1250.00
() County Clerk's Fee	\$	25.00
Total amount due:	\$	<u>1250.00</u>

AMOUNT ENCLOSED: _____

Checks should be made out to the County of San Luis Obispo. Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.



5-39 COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Michaud General Plan Amendment and Tract Map/Conditional Use Permit, ED03-415, G030015M, SUB2003-00271 TR2633

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

James Lopez
Prepared by (Print)

James Lopez
Signature

7-5-05
Date

John Nall
Reviewed by (Print)

John Nall
Signature

Ellen Carroll,
Environmental Coordinator
(for)

7/5/05
Date

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Midland Pacific Building Corporation to (1) amend the Salinas River Area Plan of the County's Land Use Element by a) changing the land use category from Agriculture to Residential Single Family for approximately 24.43 acres; and b) by adding the subject parcel to the San Miguel Urban Reserve Line; and 2) to subdivide a 24.43 acre parcel into 48 lots consisting of 44 lots ranging from 10,000 to 15,000 square feet each, and four non-buildable open space parcels of 0.2, 1.9, 2.9, and 4.8 acres each. Proposed tract improvements include access roads, two detention basins, detached pedestrian walkways, a neighborhood park, and landscaping resulting in the disturbance of approximately 14.5 acres. The project site is located on the west side of Cemetery Road, approximately 1,500 feet south of 10th Street, southwest of the community of San Miguel, in the Salinas River Planning Area (rural).

ASSESSOR PARCEL NUMBER: 021-371-001

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: Salinas River, rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Highway Corridor Design Standards

EXISTING USES: Undeveloped

TOPOGRAPHY: Gently to steeply sloping

VEGETATION: Grasses, oak woodland, scrub

PARCEL SIZE: 24.43 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Commercial Retail/ undeveloped

East: Recreation; Commercial Retail/ Mission

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South: Public Facilities/cemetery

West: Agriculture/ scattered single family residences, grazing land, undeveloped

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting which may affect surrounding areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is a 24.43-acre parcel located on the west side of Cemetery Road, approximately 1,500 feet south of 10th Street, southwest of the community of San Miguel, as shown in Figures 1 through 3. The surrounding area is characterized by rolling hills and gently sloping terraces adjacent to the Salinas River. The natural landcover of the surrounding landscape is predominantly oak woodland and oak savanna, with riparian plant communities in the drainages and creeks. The project site primarily consists of open grassland and scrub. Scattered oak trees are located within the project boundaries, and several trees are concentrated along an existing seasonal drainage that bisects the project site. The project site ranges in elevation from approximately 660 to 680 feet above sea level. The horizon line is defined mostly by low hills in the distance with the Santa Lucia Mountains to the southwest. The landform of the site is generally a flat area between a highway frontage road and the hills rising up west of the highway. Cemetery Road parallels Highway 101 and serves as the eastern project boundary.

The San Miguel Cemetery is located immediately south of the proposed project site, and Highway 101 is located 200 feet to the east. The historic Mission San Miguel and the community of San Miguel are located across the highway to the east. The Mission and some residential neighborhoods can be seen from the highway; however, the majority of San Miguel is screened or filtered from view by mature trees in the community and intervening topography. The historic Rios Caledonia Adobe is located southeast of the project across the highway from the project site. The proposed project is not visible from the Adobe or its immediate setting due to the highway, topography, and existing vegetation. Several residences are visible on the hills rising up behind the project site to the west.

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From certain viewing locations, these structures silhouette above the ridgeline. Access roads, accessory buildings, utility poles and landscaping are included in the view of the existing hillside development.

The project site and its surroundings are rural in visual character, and open space dominates the views from the highway. The project site is mostly free from non-typical visual elements that would detract from that rural character and has a high degree of visual intactness. As seen from the highway, views to the site and adjacent slopes combine in a unified, harmonious visual landscape pattern typical of the rural open space of northern San Luis Obispo and southern Monterey Counties. The memorability, or vividness of the project site and its surroundings is somewhat increased because of the rural cemetery adjacent to the site, and the overall proximity to the Mission. The visual merit of the project site as open space is increased when seen in the context of the historic Mission San Miguel and Rios Caledonia Adobe. In addition, Highway 101 is the primary north-south transportation corridor in the county, and views along the highway corridor play an important role in establishing an overall perception of the county's visual quality.

The existing views of the project site and its setting are high quality, and the project site is located within a designated Highway Corridor Design Standard area for sensitive visual resources. The purpose of the Highway Corridor Design Standards to provide and preserve public views of scenic vistas and backdrops containing varied topography including ridgelines, significant stands of trees, and pastoral settings. The Highway Corridor Design Standards include the following requirements, applicable to the project site:

2d. Ridgetop Development. Structures within the corridor boundaries shall be located so they are not silhouetted against the sky.

2g. Building Height and Color. Maximum building height is 25 feet above natural grade. Building color other than trim shall be similar to surrounding colors and no brighter than 6 in chroma and values on the Munsell Color Scale on file in the Department of Planning and Building.

2h. Landscaping. A landscaping plan per the Land Use Ordinance is required that will insure at least 50% screening of the structure at plant maturity.

5. Residential Land Divisions - Cluster Development Encouraged. States as a guideline to "Retain land in open space in new land divisions that will preserve existing views of land subject to the Highway corridor design standards".

Impact.

General Plan Amendment

The existing land use category of the project site is Agriculture, and the applicant proposes to re-designate the project site to Residential Single Family (refer to Figure 4). The project site is visible from the southbound travel lanes of Highway 101 for approximately 0.7 mile (35 seconds), and is visible from the northbound travel lanes of Highway 101 for approximately 0.4 mile (20 seconds).

The current Agriculture land use category requires a minimum parcel size of 160 acres based the land capability classification of the project site (Class IV to VI non-irrigated soils) and distance from the San Miguel URL, which would not permit a standard or clustered subdivision of the 24-acre project site. The Residential Single Family (RSF) land use category requires a minimum parcel size of 6,000 square feet for the site, which would potentially allow an approximately 100-lot subdivision within the proposed RSF area (reasonably assuming 8.5 of the 24 acres is set aside for access roads, drainage improvements, detention basins, and avoidance of a seasonal drainage onsite).

Implementation of the proposed General Plan Amendment would potentially increase the number of single-family residences on the project site from two to 100. The applicant submitted a *Visual Impact*

Assessment (Morro Group, Inc.; October 11, 2004). Based on the result of the visual assessment, implementation of the proposed general plan amendment and the anticipated construction of a residential development would result in potentially significant long-term visual impacts including an inherent loss of rural character due to visibility of future structures, and contrast with the overall natural rural setting. The loss of rural character and open space landscape would reduce the memorability of the existing view and result in a more suburban, generic image for the community of San Miguel and the region. The conversion of the site from agricultural and open space to a closely spaced and dense subdivision would appear incompatible with the aesthetic value provided by the existing rural land. The slight rise in landform from the highway to the base of the hill to the west would make future projects difficult to screen from view. The lack of intervening hills and trees ensures high visibility of the project as seen from the highway. The visibility of a 100-lot residential subdivision constructed based on RSF density standards and proximity to the highway would be inconsistent with Highway Corridor Design Standard goals. As a result, potentially significant long-term visual impacts would occur as seen from the Highway 101 corridor.

Tract Map and Conditional Use Permit

The applicant proposes to construct a 48-lot subdivision, including 44 residential lots, three open space parcels, a small neighborhood park, and landscaping. The applicant is not proposing to construct residences along the hillside within the western portion of the project site.

In addition to the impacts described above, the *Visual Impact Assessment* analyzed the specific impacts that would result from the proposed project, as originally designed. The applicant submitted a tentative tract map, preliminary grading and drainage plan, and preliminary landscape plan. Based on the visual report, the proposed location of future residences would not result in silhouetting as seen from Highway 101; however implementation of the originally proposed landscape planting would not provide adequate screening, and the project as proposed would be a highly visible residential development. As originally proposed, the tract layout would not provide adequate area for effective screen planting as seen from Highway 101. The project would be completely exposed along the northern perimeter, and only partially screened from the south by the adjacent cemetery. In addition, the site layout and grading plan causes the need for visible cut slopes along the western tract boundary, and would result in building pads graded at an elevation greater than the average natural elevation. The site design and grading plan increases the project's noticeability, reduces the effectiveness of landscape screening, and causes the project to be incompatible with the surrounding scenic landscape. In addition, visibility of exterior night-lighting, construction of a sound wall for required noise mitigation, use of bright exterior colors, and associated site disturbance would further increase the project's incompatibility with the surrounding rural character (Morro Group, Inc.; October 11, 2004).

Based on the results of the *Visual Impact Assessment* and consultation with County staff, the applicant revised the proposed tentative tract map and landscape plan by incorporating the following elements: reduction in grading and height of cut slopes; 40-foot landscape easement and four-foot tall, 3:1, earthen berm along the northern tract boundary; 15-foot landscape easement and four-foot tall, 3:1, earthen berm along the southern tract boundary; 100-foot landscape easement and eight-foot tall, 3:1, earthen berm along the eastern tract boundary; extensive landscape screening; reduction in pad elevations along the eastern tract boundary, limitation of building height to 20 feet; use of hipped roofs and earth tone colors; and additional screening trees within parcels. Implementation of these proposed revisions would minimize potential visual impacts to less than significant.

Mitigation/Conclusion.

General Plan Amendment

Implementation of the proposed General Plan Amendment would result in a significant change in visual character and potentially significant visual impacts resulting from development under current standards. Future development would be required to comply with the Highway Corridor Design

Standards presented in the Salinas River Area Plan, which would provide guidelines to minimize some visual impacts. To further avoid or minimize potential impacts resulting from the future subdivision development of the project site, planning area standards shall be adopted restricting development along the hillsides on the western portion of the project site, and requiring landscaped visual buffers, the use of hipped-roof design, height and grading pad restrictions, submittal of landscape screening plans, and implementation of muted earthtone colors. Proposed exterior lighting shall be shielded with dark hoods and directed towards the ground to minimize glare into the night sky. Compliance with the Highway Corridor Design Standards, and implementation of recommended planning area standards, in addition to design requirements applicable to specific development proposals, would minimize potential visual impacts to less than significant.

Tract Map and Conditional Use Permit

In addition to applicant-proposed revisions, the applicant has agreed to submit the following: revised grading plans showing lowered grading heights and pad elevations, rounded cut slopes, and proposed berms; revised elevations showing design features including a 20-foot height limitation, the use of hipped-roof forms, dark muted earthtone exterior colors; a lighting plan showing the use of shielded light fixtures and the minimum amount of lighting feasible, and; a slope revegetation and erosion control plan including a mechanical component such as erosion control blanket, as well as a seed mix including grass species found on the adjacent hillsides. To ensure effectiveness of the proposed landscape plan, the applicant has agreed to retain a monitor to ensure completion of initial plantings and compliance with screening criteria (i.e., 50 percent screening of structures within five years of initial planting and 80 percent screening of structures within 10 years of planting). Annual monitoring reports shall be required every year for ten years following initial planting, or to the attainment of 80 percent screening, whichever comes first. Implementation of these measures and the measures specifically listed in Exhibit B would reduce potential visual impacts to less than significant.

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located in the Agriculture land use category. The adjacent land use categories are Public Facilities to the south, Agriculture to the west, Commercial Retail to the north, and Recreation to the east across Highway 101. Surrounding land uses include Highway 101 to the immediate east, the San Miguel cemetery to the south, undeveloped land to the north, and scattered single family residences and livestock grazing to the west. The soil types mapped for the project site include: San Ysidro loam (0-2% slope), Arbuckle-San Ysidro complex (2-9% slope), and Nacimiento- Los Osos complex (30-50% slope). As described in the NRCS Soil Survey, this soil is considered Class IV to VI for "non-irrigated" soil, and Class II to IV for "irrigated" soil.

Impact.

General Plan Amendment

The proposed general plan amendment was referred to the County Department of Agriculture for review. The Department determined that the proposed general plan amendment would be consistent with the County Agriculture and Open Space Element because residential areas within the San Miguel Urban Reserve Line (URL) are largely built-out, the project site is adjacent to the existing URL, and the feasibility of production agriculture is limited onsite due to on-site resources and off-site land use incompatibilities (Lynda Auchinachie; April 8, 2004). No significant impacts were identified; however, the Department noted that agricultural buffers would be necessary for future development due to livestock grazing capabilities on the adjacent Agriculture-designated parcel to the west.

Tract Map and Conditional Use Permit

The proposed project was referred to the County Department of Agriculture for review. The Department determined that based on the proximity to livestock grazing land immediately to the west, an agricultural buffer is necessary to minimize potential incompatibility impacts (Lynda Auchinachie; July 27, 2004).

Mitigation/Conclusion.

General Plan Amendment

Future subdivision and development proposals for the project site would be required to include the agricultural buffer recommended by the County Department of Agriculture. No additional planning area standards are necessary.

Tract Map and Conditional Use Permit

The Department recommended that the future residence on proposed Lot 6 be located at least 50 feet from the northern property line of Lot 45 (the open space parcel), and that future landowners of Lots 6, 7, 12, and 26 - 31 be notified of adjacent agricultural activities and the County's Right-to-Farm Ordinance (Lynda Auchinachie; July 27, 2004). Based on implementation of these measures, potential agriculture incompatibility impacts would be less than significant.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. In 1989, the State Air Resources Board (ARB) designated San Luis Obispo County a non-attainment area for exceeding the State's air quality standards set for ozone and dust (small particulate matter or PM10). In 2003, the State ARB determined that the county was in attainment for ozone. Based on the latest air monitoring station information (per the County's RMS annual report,

2003), the trend in air quality in the general area is improving where unacceptable PM10 levels were not exceeded in 2002 at the Paso Robles monitoring station, which is down from the previous year (2 exceedances). The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

Impact.

General Plan Amendment

The proposed general plan amendment was referred to the APCD for review and consistency with the Clean Air Plan (CAP). Per APCD's response, the proposed general plan amendment is inconsistent with CAP land use strategies because increasing development densities within urban areas is preferable over increasing densities in rural areas (Andy Mutziger; July 7, 2004). Increasing densities in rural areas results in longer single-occupant vehicle trips and increases emissions. In this instance, this partial inconsistency is not considered significant for the following reasons: 1) the applicant proposes to expand the San Miguel URL to include the project site and 2) standard forecast modeling (e.g., ARB URBEMIS2001) identifies that vehicles in the near future will produce substantially lower emissions (e.g., use of electric, hybrid and advanced technology vehicles). Based on the above discussion, both individual and cumulative impacts are expected to be less than significant as it relates to the Clean Air Plan land use strategies.

Tract Map and Conditional Use Permit

Based on Table 1-1 of the CEQA Air Quality Handbook and review by the APCD, the proposed project would result in 10 to 25 lbs per day of air pollutant emissions and may result in the release of naturally occurring asbestos during grading and construction activities (Andy Mutziger; July 7, 2004). Asbestos is considered a toxic air contaminant by the State Air Resources Board. If naturally occurring asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact. Additionally, any developmental burning would contribute to the cumulative level of particulate matter. The APCD determined that the operational emissions generated by the proposed development would not exceed thresholds requiring mitigation.

Mitigation/Conclusion.

General Plan Amendment

No significant air quality impacts were identified in association with the proposed general plan amendment. Specific air quality impacts and mitigation measures shall be identified with a specific development proposal. No additional planning area standards are necessary.

Tract Map and Conditional Use Permit

To mitigate for potential air quality impacts including the generation of 10 to 25 lbs/day of emissions, the release of naturally occurring asbestos, and release of particulate emissions from developmental burning, the applicant has agreed to implement standard APCD air quality mitigation measures. These measures include implementation of dust control during grading and construction, standard construction equipment mitigation, and prohibition of developmental burning (unless a permit is obtained from CDF and APCD). Implementation of these measures would mitigate potential air quality impacts to less than significant.

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4. BIOLOGICAL RESOURCES - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located within a non-native grassland habitat area. The project site is currently undeveloped, and supports grasses, blue and valley oak trees, and coyote brush.

Special Status Plant Species. The Natural Diversity Database (2004) identified the following sensitive species or habitats within close proximity of the proposed project: Shining navarettia (*Navarretia nigelliformis* ssp. *radians*) and Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*). The project site is also within the Carrizo vernal pool region, but contains no specifically identified vernal pool habitats.

The applicant submitted a *Biological Resources Assessment* (Rincon Consultants; May 25, 2004) and *Rare Plant Survey* report (Rincon Consultants; August 2, 2004). Based on the results of the reports, no special-status plant species are present onsite.

Special Status Wildlife Species. The Natural Diversity Database (2004) and *Biological Resources Assessment* identified the following special status wildlife species within close proximity of the proposed project: San Joaquin kit fox (*Vulpes macrotis mutica*) a Federal Endangered and State Threatened species, San Joaquin pocket mouse (*Perognathus inornatus inornatus*), a Federal Species of Concern; blunt-nosed leopard lizard (*Gambelia sila*), a Federal and State Endangered species; burrowing owl (*Athene cunicularia*), a Federal and State Species of Concern; Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*), a State Species of Concern, and; Western spadefoot toad (*Spea hammondi*), a Federal Species of Concern. Based on the results of the biological report and habitat conditions on the project site, San Joaquin pocket mouse, blunt-nosed leopard lizard, Monterey dusky-footed woodrat, and Western spadefoot toad were not observed and are not likely to be present on the project site (Rincon Consultants; May 25, 2004).

The project site is located within the habitat range for San Joaquin kit fox, and a mammal-sized den was observed onsite by the applicant's biologist (Rincon Consultants; May 25, 2004). The project site contains suitable habitat for dens and foraging.

The burrowing owl is a small ground-nesting owl that uses ground squirrel burrows as nest sites and forages in grassland and agricultural habitats. Based on the results of the biological report, several burrowing owl occurrences are documented in the vicinity of the project site, and suitable habitat is present onsite.

Native and Important Vegetation. Twenty-two scattered blue oak trees (*Quercus douglasii*) and one blue and valley oak hybrid (*Quercus lobata*) are located along the western property boundary, in the southwest corner of the project site, and within a seasonal drainage that traverses the project site.

Creeks and Wetlands. One seasonal drainage to the Salinas River traverses the project site. The headwaters of the drainage are located in the hillsides just west of the project site. The width of the drainage ranges from 10 to 50 feet, and banks are steeply incised. There is an existing earthen berm and disturbed area located perpendicular to the drainage in the western portion of the project site. During rain events, storm water flows from the hillsides, around the earthen berm, and within the drainage into an existing culvert located under Cemetery Road and Highway 101, directing surface water flow towards the Salinas River. There are two additional culverts located under Cemetery Road and Highway 101 near the southern boundary of the project site. The areas around these culverts have been excavated of soil, resulting in depressed areas. Based on the results of the biological report, no riparian or wetland vegetation was observed on the project site (Rincon Consultants; May 25, 2004).

Impact.

General Plan Amendment

Special Status Wildlife Species. Implementation of the proposed General Plan Amendment would result in future development, which would potentially impact San Joaquin kit fox, burrowing owl, and their habitat.

Native and Important Vegetation. Implementation of the proposed General Plan Amendment would result in future development, which would potentially result in the removal of and/or impacts to individual blue oak trees and a blue and valley oak hybrid located onsite.

Creeks and Wetlands. Implementation of the proposed General Plan Amendment would result in future development, which would potentially result in impacts to the seasonal drainage to the Salinas River.

Tract Map and Conditional Use Permit

Special Status Wildlife Species. Implementation of the proposed project would result in impacts to 14.5 acres of San Joaquin kit fox habitat, and may result in potentially significant impacts to San Joaquin kit fox and burrowing owl during grading and construction activities.

Native and Important Vegetation. The applicant designed the proposed lots to avoid existing blue oak trees and the one blue and valley hybrid oak tree on the project site. Inadvertent impacts to these trees may occur during the grading and construction phases of the proposed project if site disturbance, use of equipment, or storage of materials occurs within the canopy of these trees.

Creeks and Wetlands. The applicant proposes to locate the seasonal drainage and depressional areas within lots designated for open space. Pedestrian walkways and landscaping are proposed outside of the upper banks of the drainage; landscape trees would be native and include California buckeye, Western sycamore, coast live oak, blue oak, and valley oaks. The applicant proposes to locate an access road across the disturbed portion of the seasonal drainage, which may require a permit from the California Department of Fish and Game. The drainage in this location is highly disturbed, and does not have a defined bed or bank. Inadvertent impacts to the drainage and depressional areas may occur during construction activities.

Mitigation/Conclusion.

General Plan Amendment

Special Status Wildlife Species. Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the San Miguel area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 4:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 4 acres conserved for each acre impacted 4:1. In addition, standard mitigation measures would be required during construction, including implementation of pre-construction surveys for sensitive species, and cautionary measures. No additional planning area standards are necessary.

Native and Important Vegetation. Potential impacts to oak trees would be assessed during the discretionary review process for the subdivision and development of the project site. If impacts would occur, standard mitigation measures including avoidance of oak trees and implementation of replacement ratios for removed and impacted trees would be required. Each oak tree removed would be replaced onsite at a 4:1 ratio, and each oak tree impacted would be replaced onsite at a 2:1 ratio. No additional planning area standards are necessary.

Creeks and Wetlands. Potential permanent and temporary impacts to the seasonal tributary to the Salinas River, and depressional areas may occur during future development of the project site. If impacts would occur, mitigation measures including avoidance of drainage areas, implementation of protection measures during construction, and restoration of disturbed areas would be required. In addition, the applicant would be required to obtain a Streambed Alteration Permit from the California Department of Fish and Game and U.S. Army Corps of Engineers for disturbance within the drainage. No additional planning area standards are necessary.

Tract Map and Conditional Use Permit

Special Status Wildlife Species.

The applicant will be required to mitigate the loss of 14.5 acres of kit fox habitat by one of the following ways: Deposit of funds to an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank that is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

To mitigate potential impacts to burrowing owl, the applicant has agreed to retain a County-approved biologist to conduct preconstruction surveys. If burrowing owls are present onsite, the applicant shall contact the County and the California Department of Fish and Game. Construction activities shall not commence if nesting burrowing owls are documented onsite.

Native and Important Vegetation. To avoid impacts to individual oak trees onsite, the applicant has agreed to install temporary construction fencing along the perimeter of areas proposed for development. The use and storage of equipment, materials, and soil shall not be permitted outside of areas proposed for development.

Creeks and Wetlands. In addition to installing temporary construction fencing along the perimeter of areas proposed for disturbance (refer to above), the applicant has agreed to provide and implement a

bank stabilization plan to minimize bank erosion. In addition, the applicant has agreed to prepare and implement a spill contingency and clean-up plan to minimize the potential for discharge of oils, fuels, and materials into the drainage area during grading and construction activities. The applicant has agreed to consult with the California Department of Fish and Game to determine if a Streambed Alteration Permit is necessary to construct a road within the natural flow path leading into the drainage.

Implementation of the above measures will mitigate biological impacts to a level of insignificance.

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located within an area historically occupied by the Obispeño Chumash and Southern Salinian Native Americans. Significant archeological and historical resources have been documented throughout the San Miguel area in association with the Salinas River, Mission San Miguel, and Southern Pacific Railroad. The applicant submitted a *Cultural Resource Investigation* report (John Parker, Ph.D., RPA; April 7, 2004). The report included a summary of a records search, and phase one surface survey conducted on the 24.5-acre parcel. The project site does not contain any features indicative of paleontological resources. There are no structures onsite.

Impact. Based on the results of the *Cultural Resource Investigation* report, a historic trail leading from Mission San Miguel westward through Mission Canyon crossed the north end of the project site, and the 1870's Goldtree Bros. Store was located in the vicinity of the current San Miguel Cemetery, likely within the project site. There is also a potential for the discovery of human remains outside of the cemetery boundaries. Based on the results of the surface survey, no cultural resources were discovered; however, a complete survey could not be completed due to dense grass cover. There is a potential for significant archaeological or historical resource discovery during vegetation removal and grading on the project site (John Parker, Ph.D., RPA; April 7, 2004).

Mitigation/Conclusion.

General Plan Amendment

Based on the results of the *Cultural Resource Investigation* report, potentially significant cultural resources may be disturbed by future grading of the project site. To mitigate for this impact, submittal and implementation of a mitigation and monitoring plan would be required during the development phase of a future project.

Tract Map and Conditional Use Permit

To mitigate for potentially significant impacts to archaeological and historical resources, the applicant has agreed to retain a County-approved historical archeologist and Native American representative to monitor initial grubbing and grading. The applicant has also agreed to submit a monitoring plan for the review and approval of County staff. Implementation of the above measures would mitigate impacts to cultural resources to less than significant.

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6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact.

Geology. The topography of the project site ranges gently to steeply sloping to the west. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low to moderate. The liquefaction potential during a ground-shaking event is considered moderate to high. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine rock. The applicant is proposing development on the gently sloping portion of the project site, and an open space lot located over the steeply sloping portion of the project site. Based on site conditions, there is no evidence that measures above what will already be required by ordinance or code are needed.

Drainage. The area proposed for development is outside of the 100-year Flood Hazard designation. As described in the Natural Resources Conservation Service (NRCS) Soil Survey, the soils mapped for the project site are San Ysidro loam (0-2% slope), Arbuckle-San Ysidro complex (2-9% slope), and Nacimiento- Los Osos complex (30-50% slope). These soils are considered not well to moderately drained. One seasonal drainage to the Salinas River traverses the project site. The headwaters of the drainage are located in the hillsides just west of the project site. The width of the drainage ranges from 10 to 50 feet, and banks are steeply incised. There is an existing earthen berm and disturbed area located perpendicular to the drainage in the western portion of the project site. During rain events, storm water flows from the hillsides, around the earthen berm, and within the drainage into an existing culvert located under Cemetery Road and Highway 101, directing surface water flow towards the Salinas River. There are two additional culverts located under Cemetery Road and Highway 101 near the southern boundary of the project site. The areas around these culverts have been excavated of soil, resulting in depressed areas.

The applicant proposes to maintain the historic flow of storm water by designating the seasonal drainage, adjacent area, and low areas of the project site adjacent to Cemetery Road within open space lots. The applicant submitted preliminary drainage calculations for 50-year and 100-year storm events (RRM Design Group; September 17, 2004). Based on the results of these calculations, the applicant proposes to construct three detention basins within the southeast portion of the project site, adjacent to Cemetery Road. The basins would manage storm water flow to ensure that offsite flow would not exceed historic rates or exceed the capabilities of the existing culvert system under Cemetery Road and Highway 101. Based on the proposed preliminary drainage plan, no specific measures above what will already be required by ordinance or code are considered necessary.

Sedimentation and Erosion. The soil types mapped for the project site are San Ysidro loam (0-2% slope), Arbuckle-San Ysidro complex (2-9% slope), and Nacimiento- Los Osos complex (30-50% slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility and has a low to moderate shrink-swell characteristic. During grading activities, there is a potential for erosion to occur, resulting in down-gradient sedimentation.

Mitigation/Conclusion.

General Plan Amendment

To mitigate for impacts resulting from storm water drainage, erosion and down-gradient sedimentation, the applicant is required by Sections 22.52.080 and 22.52.090 of the County Land Use Ordinance to submit a drainage plan and erosion and sedimentation plan including measures to control drainage onsite and implementation of both temporary and permanent erosion control measures. Implementation of required standards and the County-approved drainage and erosion and sediment control plans would mitigate geology and soils impacts to a level of insignificance. No additional planning area standards are necessary.

Conditional Use Permit

To mitigate for potential drainage, erosion, and down-gradient sedimentation impacts, the applicant is required to submit a final drainage plan and erosion and sedimentation plan pursuant to Sections 22.52.080 and 22.52.090 of the County Land Use Ordinance for review and approval by the County Public Works Department and County Building Division. Implementation of required standards and the County-approved erosion and sediment control plan would mitigate geology and soils impacts to a level of insignificance, and no additional mitigation measures are necessary.

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7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project is located within an area dominated by grasses, scrub, and scattered oak trees. There are no known hazardous waste sites or pipelines underlying or in the vicinity of the project area. The project is not located in an area of known hazardous material contamination and does not propose use of hazardous materials. The proposed project site is located within a moderate fire hazard severity area.

Impact.

General Plan Amendment

No significant fire safety risk was identified. Upon approval of the proposed amendment, the project site would be incorporated into the San Miguel Urban Reserve Line. Future applicants would be required to obtain a Fire Safety Plan from the San Miguel Fire District prior to development, pursuant to Section 22.50.030 of the County Land Use Ordinance. The plan is required to include the location of the fire hydrant nearest to the site, the location of any emergency firefighting equipment or water supplies on the proposed site, the location of any explosive or flammable materials, and means of access to all structures available for firefighting equipment. No impacts as a result of hazards or hazardous materials are anticipated.

Tract Map and Conditional Use Permit

No significant fire safety risk was identified. The San Miguel Fire District issued a preliminary will serve letter for fire service (J.M. Ellison; June 8, 2004). No impacts as a result of hazards or hazardous materials are anticipated.

Mitigation/Conclusion. No potential hazards or hazardous materials impacts were identified as a result of the proposed project, and no planning area standards or mitigation measures are necessary.

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8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located approximately 200 feet west of Highway 101, immediately west of Cemetery Road. The highway is the primary source of noise in the area. The topography between the highway and the project site is gently sloping. The elevation of the project site ranges from 0 to 60 feet above the highway. According to the *County Noise Element*, a portion of the project site is located within the 60 to 65 Ldn noise level contour (County of San Luis Obispo; May 1992). According to the *Noise Element*, 60 to 65 Ldn exterior noise level daytime exposure (45 Ldn nighttime) and 45 Ldn interior exposure to residential land uses is "conditionally acceptable".

Impact.

General Plan Amendment

The applicant submitted a *Noise Study Report* (Morro Group, Inc.; September 14, 2004). The noise study included noise measurements and traffic counts taken from six locations on the project site, approximately 150 to 200 feet west of Highway 101. Average noise levels generated by automobile and truck sources ranged from 59.4 to 60.1 Leq. Based on estimates of future trip generations, the future noise levels were estimated to be from 62.3 to 64.1 Leq (Morro Group, Inc.; September 14, 2004). Based on the results of the noise study, future residential development on the project site would be impacted by noise levels exceeding acceptable limits, and noise mitigation may be required if noise exposure cannot be avoided.

Tract Map and Conditional Use Permit

Noise Exposure. The *Noise Study Report* (Morro Group, Inc.; September 14, 2004) described above included an analysis of noise exposure on the proposed residential development. Noise measurements were taken at the eastern perimeter of proposed residential lots. Based on the results of the noise study, the outdoor areas of proposed Lots 1, 11, and 16 through 23 would be impacted by noise exposure exceeding the threshold limit required by the *County Noise Element* (60 dBA).

Based on the results of the noise study and implementation of required building standards (i.e., State Noise Insulation Standards, California Code of Regulations, Title 24 and Chapter 35 of the Uniform Building Code), interior noise exposure would range from 42.5 to 43.5 dBA, which is just below the threshold limit required by the *County Noise Element* (45 dB).

Noise Generation. Implementation of the proposed project would result in an additional 42 residences and approximately 421 daily traffic trips. Generation of these trips would contribute to the cumulative generation of transportation-related noise in the community of San Miguel. Generation of these trips would not result in a significant level of transportation-related noise.

Mitigation/Conclusion.General Plan Amendment

Based on the size of the project site, impacts resulting from transportation-related noise can be avoided or minimized by incorporating a noise buffer zone into future subdivision design plans and constructing a sound attenuation wall or berm. In addition, construction of future homes pursuant to the State Noise Insulation Standards (California Code of Regulations, Title 24) and Chapter 35 of the Uniform Building Code would reduce interior noise levels by 20 to 30 dB. Implementation of standards required by the County Noise Element and Uniform Building Code would avoid or minimize potential noise exposure impacts to less than significant, and no planning area standards are necessary.

Tract Map and Conditional Use Permit

To mitigate for potential noise exposure impacts, the applicant has agreed to implement outdoor and noise mitigation measures recommended in the noise study. These measures include the construction of an eight-foot tall, landscaped, earthen berm and masonry wall along the perimeter of proposed residential lots 1, 11, and 16 through 23 (refer to Figure XX). In addition to incorporating standard noise insulation requirements, the applicant has agreed to implement additional measures recommended by the noise study to further reduce interior noise exposure. These measures include locating noise sensitive portions of the residence (e.g., bedrooms, living rooms, and family rooms) on the side of the unit farthest from the highway, incorporating baffled vents and roofs penetrations, and minimizing acoustic leaks by insulating outlets, pipes, vents, ducts, flues and other breaks in exterior walls (refer to Exhibit B for complete list). Implementation of these measures, and the measures listed in Exhibit B, would reduce potential noise impacts to less than significant.

9. POPULATION/HOUSING -*Will the project:***Potentially
Significant****Impact can
& will be
mitigated****Insignificant
Impact****Not
Applicable**

a) **Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?**

☐☐☒☐

b) **Displace existing housing or people, requiring construction of replacement housing elsewhere?**

☐☐☒☐

c) **Create the need for substantial new housing in the area?**

☐☐☒☐

d) **Use substantial amount of fuel or energy?**

☐☐☒☐

e) **Other** _____

☐☐☐☐

Setting. The project site is an undeveloped parcel currently within the Agriculture land use designation, located immediately adjacent to the San Miguel Urban Reserve Line (URL). The project site is accessed from Cemetery Road.

Impact.General Plan Amendment

Implementation of the proposed General Plan Amendment would likely increase the number of future primary single-family residences on the project site from two to 42, and expand the San Miguel URL

to include the project site. The anticipated additional 40 residences are not anticipated to significantly induce growth, but would facilitate housing demand. The project site is currently located adjacent to the existing URL line, and would not require new service infrastructure (water, sewer, utilities) within rural areas. The San Miguel Community Services District has issued preliminary will-serve letters for water, sewer, and fire protection service (J.M. Ellison; June 11, 2004). The future development would not displace existing housing or use a substantial amount of fuel or energy to construct and maintain. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project. This fee would apply to future development of the project site.

Tract Map and Conditional Use Permit

Implementation of the proposed project is not anticipated to significantly induce growth, but would facilitate housing demand. The future development would not displace existing housing or use a substantial amount of fuel or energy to construct and maintain. The applicant is required to contribute to an affordable housing mitigation fee as a condition of approval.

Mitigation/Conclusion. Based on the above discussion, no significant population and housing impacts are expected to occur as a result of the proposed General Plan Amendment and Tract Map/Conditional Use Permit.

10. PUBLIC SERVICES/UTILITIES

- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project site is served by the County Sheriff's Department and California Department of Forestry/County Fire as the primary responders. Upon implementation of the proposed General Plan Amendment and incorporation into the San Miguel URL, the project site would be served by the San Miguel Fire District. The closest Sheriff sub-station is located in the community of Templeton, approximately 15 miles south of the project site. The closest District fire station is located in the community of San Miguel, approximately 0.8 mile southwest of the project site. The project site is located within the San Miguel Joint Union School District.

Impact. This proposed project, along with numerous others in the area would have a cumulative effect on public services, including police and fire protection, and schools.

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Mitigation/Conclusion. This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools. Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance. No other significant project-specific impacts to utilities or public services were identified, therefore no additional measures are considered necessary.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan shows that the project site is located within the Salinas River Trail Corridor. No other recreational resources are present on or in the vicinity of the project site.

Impact.

General Plan Amendment

The project is not proposed in a location that will affect any trail, park or other recreational resource, and would not create a project-specific significant need for additional park or recreational resources. Future development of the project site would not preclude construction of a segment of the Salinas River Trail. Additional residential development would contribute to the cumulative demand for recreational resources in the County.

Tract Map and Conditional Use Permit

The proposed project was referred to the County Parks Division for review. The Division did not identify any significant impacts, and did not request construction of a segment of the Salinas River Trail on the project site (Jan Di Leo; July 6, 2004). Implementation of the proposed project would contribute to the cumulative demand for recreational resources in the region.

Mitigation/Conclusion.

General Plan Amendment

To mitigate for the cumulative impact on County-wide recreational resources and facilities, the applicant would be required to pay an in-lieu Quimby fee as a condition of subdivision map approval. No planning area standards are necessary.

Tract Map and Conditional Use Permit

To mitigate for the cumulative impact on County-wide recreational resources and facilities, the applicant is required to pay Quimby and Building Division fees. No additional mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site would be accessed from Cemetery Road, a local road providing access along the western frontage of Highway 101. Cemetery Road intersects 10th Street near the Highway 101 and 10th Street interchange, which is located approximately 1,500 feet north of the project site. In interchange consists of one northbound exit from the highway into the community of San Miguel. Southbound Cemetery Road turns into an onramp, which merges into the southbound lanes of Highway 101 approximately 3,000 feet south of the project site.

The applicant submitted a *Traffic Analysis Report* (Higgins Associates; August 2004), which analyzed existing and future level of service (LOS), intersection improvement warrants, and safety issues on all affected roads and intersections. Based on the results of the traffic report, the 10th Street/Cemetery Road intersection and Highway 101 ramp/10th Street/Cemetery Road intersections are currently operating at LOS A and B during AM and PM peak hours, and left turn channelization is not warranted. The Cemetery Road/Highway 101 southbound onramp carries approximately 75 morning and evening peak hour trips. The ramp has a capacity for 1,500 vehicles per hour.

Impact.

General Plan Amendment

The current land use designation, Agriculture, would support up to two primary residences. The *Traffic Analysis Report* analyzed the impacts of a 42-lot residential subdivision on the existing circulation system. Assuming full build-out of a 42-lot residential development (assuming 42 residences), 9.57 trips would be generated per dwelling, for a total daily trip count of approximately 421. Implementation of the proposed general plan amendment would add approximately 15 morning and 10 evening peak hour trips

to the Cemetery Road/Highway 101 southbound onramp, which would not significantly affect the capacity of the ramp. Based on the results of the traffic study, the addition of 421 daily trips would not reduce LOS or result in any traffic hazards.

The traffic study also analyzed potential cumulative effects of new development in the San Miguel area in addition to the proposed General Plan Amendment and future development of the project site. Based on the analysis, LOS at the Highway 101 ramp/10th Street/Cemetery Road intersections would not be affected, and the Highway 101 northbound ramp/10th Street intersection would be reduced from LOS to LOS B during the PM peak hour. Under cumulative conditions, the Cemetery Road/Highway 101 southbound ramp is expected to carry approximately 180 morning peak hour trips, well below the ramp's capacity of 1,500 vehicles per hour. All other roads within the San Miguel road system would continue to operate at LOS A or B (Higgins Associates; August 2004). No significant traffic impacts would occur as a result of the proposed General Plan Amendment.

Tract Map and Conditional Use Permit

In addition to the analysis discussed above, the *Traffic Analysis Report* included an analysis of the proposed internal tract circulation system and turn movements generated by proposed access roads. Based on the results of the analysis, the level of service of the new intersections would be LOS A for both existing-plus-project and cumulative conditions.

The proposed project was referred to the County Department of Public Works and California Department of Transportation (Caltrans) for review. The Department of Public Works reviewed the proposed project and requested a traffic study report, and requested design standards applicable to the subdivision. The applicant submitted the *Traffic Analysis Report* summarized above. Requested design standards include lighting at the proposed access road intersections with Cemetery Road, construction of left and right turn lanes onto Cemetery Road, and maintenance of a 40-foot by 40-foot sight triangle at entrance and exit roads (Mike Goodwin; July 13, 2004). Caltrans did not identify any significant traffic impacts associated with the proposed project (James Kilmer; February 9, 2004).

Mitigation/Conclusion. Based on the proposed project location, existing and projected acceptable level of service and capacity of local roads, and the referral responses from the Department of Public Works and Caltrans, traffic and circulation impacts resulting from both the general plan amendment and proposed tract map/conditional use permit would be insignificant. The applicant has agreed to incorporate the design requirements specified by the Department of Public Works to ensure safe access into and out of the proposed development.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is currently located outside of the San Miguel URL. The applicant proposes to incorporate the project site into the San Miguel URL, and utilize the San Miguel Community Services District for wastewater serve. According to the *Annual Resource Summary Report* (County of San Luis Obispo; 2003), the San Miguel CSD sewage treatment plant is operating at 54 percent capacity, and would not reach 100% capacity until the population of San Miguel reaches 2,705. The 2003 population of San Miguel was 1,461. The average dry-weather capacity of the facility is 108,000 gallons per day, and the maximum capacity is 200,000 gallons per day.

Impact.

General Plan Amendment

Based on the available capacity of the existing sewer treatment plant, impacts to the existing community wastewater system resulting from the proposed general plan amendment would be insignificant.

Tract Map and Conditional Use Permit

The San Miguel CSD issued a preliminary wastewater will serve letter for the proposed project (J.M. Ellison; June 11, 2004). The proposed project was referred to the County Division of Environmental Health. The Division did not identify any significant impacts, and recommended standard stock conditions for use of a community wastewater service provider (Laurie Salo; June 15, 2004).

Mitigation/Conclusion.

General Plan Amendment

To ensure available wastewater capacity, the applicant is required by the County Land Use Ordinance to obtain a valid will-serve letter from the San Miguel CSD prior to site development.

Tract Map and Conditional Use Permit

Based on the available capacity of the existing sewer treatment plant, and the referral response from the San Miguel CSD, impacts to the existing community wastewater system resulting from the proposed project would be insignificant. Prior to map recordation, the applicant would be required to submit a final will serve letter to the Division of Environmental Health and install sewer improvements to each parcel (or post a bond for future construction). No additional mitigation measures are required.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Surface Water. One seasonal drainage to the Salinas River traverses the project site. The headwaters of the drainage are located in the hillsides just west of the project site. The width of the drainage ranges from 10 to 50 feet, and banks are steeply incised. There is an existing earthen berm and disturbed area located perpendicular to the drainage in the western portion of the project site. During rain events, storm water flows from the hillsides, around the earthen berm, and within the drainage into an existing culvert located under Cemetery Road and Highway 101, directing surface water flow towards the Salinas River. There are two additional culverts located under Cemetery Road and Highway 101 near the southern boundary of the project site. The areas around these culverts have been excavated of soil, resulting in depressed areas.

Water Supply. The existing land use designation would allow for a residential development potentially requiring the use of 7 acre feet per year of water. As proposed, the implemented project would result in a water demand up to 20 acre feet per year. The proposed project site is served by the San Miguel Community Services District. The San Miguel CSD draws its water supply from two wells located in San Miguel within the Paso Robles Groundwater Basin. The SMCSD estimates that the existing system can support approximately 300 new residential connections. Impacts to available water supply are not anticipated to be significant.

Impact.General Plan Amendment

Surface Water. Future development of the project site would result in potential impacts to surface water including down-gradient sedimentation and pollution from construction equipment run-off entering the seasonal drainage and culverts onsite, which direct runoff into the Salinas River.

Water Supply. The San Miguel CSD estimates that the existing system can support approximately 200 new residential connections. Impacts to available water supply are not anticipated to be significant.

Tract Map and Conditional Use Permit

Surface Water. Implementation of the proposed project would result in the disturbance of approximately 14.5 acres. Potential impacts to surface water could result to down-gradient surface water from sedimentation and equipment pollution due to construction equipment/activities run-off.

Water Supply. The proposed project site is served by the San Miguel Community Services District. The San Miguel CSD draws its water supply from two wells located in San Miguel within the Paso Robles Groundwater Basin. The San Miguel CSD estimates that the existing system can support approximately 300 new residential connections. The San Miguel CSD issued the applicant a preliminary intent-to-serve letter (J.M. Ellison; June 11, 2004). The proposed project was referred to the County Division of Environmental Health. The Division did not identify any significant impacts, and recommended standard stock conditions for use of a community water service provider, and submittal of the final will serve letter prior to map recordation (Laurie Salo; June 15, 2004).

Mitigation/Conclusion.General Plan Amendment

Surface Water. Implementation of an approved drainage plan and erosion and sedimentation control plan including best management practices and pollution prevention measures would reduce impacts to surface water to a level of insignificance (refer to Section 6). If future development would disturb over one acre, a Storm Water Pollution Prevention Plan (SWPPP) would be required in addition to the erosion and sedimentation control plan. No planning area standards are required.

Water Supply. To ensure available water availability, the applicant is required by the County Land Use Ordinance to obtain a valid will-serve letter from the San Miguel CSD prior to site development. No planning area standards are required.

Tract Map and Conditional Use Permit

Surface Water. Implementation of an approved drainage plan and erosion and sedimentation control plan including best management practices and pollution prevention measures would reduce impacts to surface water to a level of insignificance (refer to Section 6). The applicant is required to prepare and implement a Storm Water Pollution and Prevention Plan (SWPPP) for disturbance of over one acre for submittal to the State Water Resources Control Board (SWRCB). This plan requires the use of "Best Management Practices" (BMPs), which will further reduce potential impacts.

Water Supply. Prior to map recordation, the applicant would be required to submit a final will serve letter to the Division of Environmental Health and install sewer improvements to each parcel (or post a bond for future construction). No additional mitigation measures are required.

15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed general plan amendment and tract map/conditional use permit were reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g. County Land Use Ordinance, and the Salinas River Area Plan). The project was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area.

The surrounding land uses include the San Miguel Cemetery to the south, scattered single-family residences and grazing land to the west, vacant land to the north, and Highway 101 to the east. The proposed project is generally compatible with these surrounding uses because the proposed Residential Single-Family re-designation and extension of the URL would be located adjacent to the existing URL line. The proposed tract map and conditional use permit includes a buffer between the highway and the

development, and the adjacent rural agricultural uses and the development to minimize potential land use incompatibility issues.

Mitigation/Conclusion. With the addition of measures proposed in this document, no significant land use impacts would occur as a result of the proposed project, and no additional planning area standards or mitigation is necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with a ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input checked="" type="checkbox"/>	County Parks and Recreation Division	Attached
<input checked="" type="checkbox"/>	County Assessor Department	No Response
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Department of Conservation	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Game	None
<input type="checkbox"/>	CA Department of Forestry	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Transportation	Attached
<input checked="" type="checkbox"/>	San Miguel Community Services District	Attached
<input checked="" type="checkbox"/>	San Miguel Advisory Council	Attached

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> Salinas River Area Plan and Update EIR
<input checked="" type="checkbox"/> County documents	<input type="checkbox"/> South County Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	
<input checked="" type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Higgins Associates. August 2004. *Mission Vineyard Estates Traffic Analysis Report*.

Morro Group, Inc. September 14, 2004. *Noise Study Report*.

Morro Group, Inc. October 11, 2004. *Visual Impact Assessment*.

Parker, Ph.D., RPA, John. April 7, 2004. *Cultural Resource Investigation*.

Rincon Consultants. May 25, 2004. *Biological Resources Assessment*.

Rincon Consultants. August 2, 2004. *Rare Plant Survey*.

RRM Design Group. August 17, 2004. *Preliminary Drainage Summary*.

RRM Design Group. September 17, 2004. *Detention Basin Calculation*.

Exhibit B - Mitigation Summary TableGeneral Plan Amendment

The following planning area standards shall be incorporated into the *Salinas River Area Plan* for the 24-acre project site:

1. Proposed subdivision plans shall incorporate landscape buffers as follows:
 - a. 15 feet along the southern property boundary;
 - b. 100 feet along the eastern property boundary, and;
 - c. 40 feet along the northern property boundary.
2. Ridge top development shall be avoided, and future development shall not be constructed above natural 687-foot elevation contour.
3. All development shall visually blend with the existing topography, and all cut slopes shall be rounded to reduce the transition between slope angles. The finished building pad for each proposed residential structure shall be constructed at or lower than an elevation calculated to be the average of the highest natural elevation and the lowest natural elevation on that lot. The maximum height of each proposed residence shall not exceed 20 feet above the determined average natural grade for each proposed lot. The design of residences shall incorporate the use of hipped-roof design, and exterior colors be muted, earthtone shades, and shall not have a Munsell chroma or value greater than six.
4. A landscape plan shall be submitted at time of application, and shall provide 50 percent screening of structures within five years of initial planting, 80 percent screening of structures within 10 years of planting, and shall utilize native, drought-tolerant vegetation. No irrigated turf or ornamental ground covers shall be used within landscape buffer areas.
5. An exterior lighting plan shall be submitted at time of application, and shall meet the following standards:
 - a. The maximum height of street light standards shall not exceed twelve feet;
 - b. Direct views of exterior lighting sources shall be shielded from view from public roads;
 - c. Lights shall be designed and constructed to reduce illumination of the hillside to the west, and;
 - d. Illumination levels of streetlights shall be the minimum required by public safety policy and ordinances.

Tract Map and Conditional Use Permit

Aesthetics

- V-1 Prior to recordation of the final subdivision map and issuance of grading and construction permits, the applicant shall submit revised grading and drainage plans to the Department of Planning and Building for review and approval showing the following:
- a. The finished building pad for each residential structure shall be constructed below an elevation calculated to be the average of the highest natural elevation and the lowest natural elevation (the existing average natural elevation) on lots 1 - 6, 11 and 16 - 23 (except within scenic landscape easement areas, which shall not be excavated other than for slope contouring); at or lower than the average natural elevation on lots 26 - 31; and no more than three feet above average natural elevation where necessary on lots 7 - 10, 12 - 15, and 32 - 44 (listed numbers are inclusive). Scenic landscape easement areas on lots 1 - 6 and 23 - 26 shall not be graded below natural grade.
 - b. All cut and fill slopes shall include slope-rounding to reduce the transition between adjacent

slope-angles and so the slopes appear as naturally occurring landforms to the greatest extent possible.

- c. Earthen berms along the entire length of the landscape buffers on the southern, eastern and the northern perimeters of the project. The berms shall be contour graded to appear as a natural landform to the greatest extent possible, with varying degrees of slope, between 2:1 and 4:1 (vertical:horizontal). The berms on the eastern border of the site shall be a minimum of 8 feet tall, and berms on the southern and northern borders shall be 4 to 5 feet tall minimum.
- d. Storm water detention basins shall be reconfigured if necessary to accommodate the earthen berms.
- e. Notes that topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to any cut slopes and to the earthen berms.

- V-2 Prior to recordation of the final subdivision map and issuance of construction permits, the applicant shall submit architectural plans and elevations of all proposed structures to the Department of Planning and Building for review and approval. The plans and elevations shall show forms, dimensions, exterior finish materials, and colors as follows:
- a. The maximum height of all residential structures shall not exceed 20 feet above finished pad elevation;
 - b. The residential structures shall use hipped-roof forms, except that gable roof ends may be utilized as secondary accent or entry features where their eave lines shall be no higher than two feet above the primary roof eave, their peak shall no higher than 14 feet and be below the primary roof ridgeline in elevation view. The pitch of gable roofs shall be at or below 4:12.
 - c. Exterior colors of all structures, including the residence, retaining walls and other walls shall be limited to muted darker earth tones and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building, and;
 - d. Roof colors shall be limited to deep earth tones, deep muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. Red, terra cotta and orange colors shall not be used. Glossy roofing material shall not be used.

<p>V-3 Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field.</p>
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- V-4 **V-3 Prior to recordation of the final subdivision map and issuance of construction permits,** the applicant shall submit a landscape and irrigation plan for the front landscape area and north and south side scenic landscape easements, and interior screening trees, to include:
- V-5 Native, drought-tolerant plants and trees selected for their year-round screening capabilities.
 - V-6 Plant selection and design that presents a classic, early California landscape rather than modern, ornamental or Mediterranean designs.
 - V-7 Minimum 24-inch box container size for all screen trees in scenic landscape areas, street trees and screening yard trees.
 - V-8 Trees and large-growing shrubs that provide 50 percent screening of structures within five years of initial planting and 80 percent screening of structures within 10 years of planting.
 - V-9 Planting design that forms clusters and diagonal screens of views from north and southbound traffic on Highway 101 and Cemetery Road, explicitly for screening of residential structures, fences and walls.
 - V-10 Design and location of yard fences or walls located within the front, north and south scenic landscape areas such that they are screened from view of Highway 101 and Cemetery Road, or are designed with open wire, rural character.

- V-11 No irrigated turf or ornamental ground covers shall be used within landscape buffer areas.
- V-12 Street trees to be species from the scenic landscape plan, rather than ornamental trees, to provide interior screening within the tract.
- V-13 Yard trees within lots 7 – 10, 12 – 15, 32 – 44 for supplemental screening of structures where pad elevations are at grade or above.
- V-14 Creek natural area landscaping, including riparian trees such as Live oak, Sycamore and Willow, to provide visual definition of the corridor, shading and wildlife value.
- V-15 Retention of native trees that are greater than two inches caliper where feasible.
- V-16 **V-4 Prior to inspection of tract improvements**, the screen planting areas of the landscape plan (identified in no. V-3) shall be implemented, and the applicant shall provide a letter to the County of San Luis Obispo Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified professional for the purpose of monitoring the success of the screen planting area, with responsibility transferred to the Home Owners Association once the applicant is no longer a majority interest in the HOA. This arrangement is to be stated in the CC&Rs. All trees (existing, planted, and transplanted) within the screen planting area shall be maintained until fully established and shall provide 50 percent screening of structures within five years of initial planting, 80 percent screening of structures within 10 years of planting as determined by the contracted landscape professional. Trees within the screen planting area that die shall be replaced. If 100 percent of landscape screening is not maintained and growing, accounting for standard plant replacement factor of approximately 25 percent, within one year of tract improvement approval, the County shall withhold occupancy permits and final inspection of residences. The monitoring contract shall include funding by the applicant and, upon transfer, the Home Owners Association, to pay for the monitor to conduct at a minimum an annual site visit and assessment of the planting success for either; ten years or attainment of 80% screening, whichever comes first, and provide an annual monitoring report. The report shall be submitted annually to the Department of Planning and Building for approval and shall be used as a determining factor in assessing the successful establishment and maintenance of the planting.

V-17 Monitoring: The County Planning and Building Department shall verify compliance and receipt of monitoring reports.

- V-18 **V-5 Prior to recordation of the final subdivision map and issuance of grading and construction permits**, the applicant shall submit exterior lighting plans to the Department of Planning and Building for review and approval showing the following:
 - a. The maximum height of street light standards shall be twelve feet above ground;
 - b. Direct views of all exterior lighting sources including street lights and residential lights shall be shielded from view from public roads;
 - c. Lights shall be designed and constructed to reduce illumination of the hillside west of the project, and;
- V-19 Illumination levels of street lights shall be the minimum required by public safety policy and ordinances as demonstrated by a photometrics analysis.
- V-20 Proposed selection of residential exterior lights that meet these criteria and Land Use Ordinance Section 22.10.060 as examples for inclusion within the CC&Rs as preferred types of lights, and provide examples of discouraged or prohibited lights as information to future homeowners.

V-21 Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field.

- V-22 **V-6 Prior to recordation of the final subdivision map and issuance of grading and construction permits**, the applicant shall submit revised grading and drainage plans showing the following:

V-23 Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field.

- V-24 **V-7 Prior to issuance of grading and construction permits**, the applicant shall submit a slope revegetation and erosion control plan to the Department of Planning and Building for review and approval. The slope revegetation and erosion control plan shall be prepared by a qualified erosion control and revegetation expert approved by the County. The erosion control strategy shall include a mechanical component such as erosion control blanket, as well as a seed mix including grass species found on the adjacent hillsides.

Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field.

- V-1 Prior to recordation of the final subdivision map and issuance of grading and construction permits, the applicant shall submit revised grading and drainage plans to the Department of Planning and Building for review and approval showing the following:
- The finished building pad for each residential structure shall be constructed at or lower than an elevation calculated to be the average of the highest natural elevation and the lowest natural elevation on that lot.
 - All cut slopes shall include slope-rounding to reduce the transition between adjacent slope-angles and so the slopes appear as naturally occurring landforms to the greatest extent possible.
- V-2 Prior to issuance of construction permits, the applicant shall submit architectural plans and elevations of all proposed structures to the Department of Planning and Building for review and approval. The plans and elevations shall show forms, dimensions, exterior finish materials, and colors as follows:
- The maximum height of all residential structures shall not exceed 18 feet above finished pad elevation;
 - The residential structure shall use hipped-roof forms;
 - Exterior colors of all structures, including the residence, retaining walls and other walls shall be limited to muted darker earth tones and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building, and;
 - Roof colors shall be limited to deep earth tones, deep muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. Red, terra cotta, and orange colors shall not be used. Glossy roofing material shall not be used.

V-3

- V-4 **Prior to inspection of tract improvements**, the screen planting areas of the landscape plan (identified in no. V-3) shall be implemented, and the applicant shall provide a letter to the County of San Luis Obispo Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified professional for the purpose of monitoring the success of the screen planting area, with responsibility transferred to the Home Owners Association once the applicant is no longer a majority interest in the HOA. This arrangement is to be stated in the CC&Rs. All trees (existing, planted, and transplanted) within the screen planting area shall be maintained until fully established and shall provide 50 percent screening of structures within five years of initial planting, 80 percent screening of structures within 10 years of planting as determined by the contracted landscape professional. Trees within the screen planting area that die shall be replaced. If 100 percent of

landscape screening is not maintained and growing, accounting for standard plant replacement factor of approximately 25 percent, within one year of tract improvement approval, the County shall withhold occupancy permits and final inspection of residences. The monitoring contract shall include funding by the applicant and, upon transfer, the Home Owners Association, to pay for the monitor to conduct at a minimum an annual site visit and assessment of the planting success for either; ten years or attainment of 80% screening, whichever comes first, and provide an annual monitoring report. The report shall be submitted annually to the Department of Planning and Building for approval and shall be used as a determining factor in assessing the successful establishment and maintenance of the planting.

- V-5 Prior to issuance of grading and construction permits, the applicant shall submit exterior lighting plans to the Department of Planning and Building for review and approval showing the following:
 - a. The maximum height of street light standards shall be twelve feet above ground;
 - b. Direct views of all exterior lighting sources including street lights and residential lights shall be shielded from view from public roads;
 - c. Lights shall be designed and constructed to reduce illumination of the hillside west of the project, and;
 - d. Illumination levels of street lights shall be the minimum required by public safety policy and ordinances.

- V-6 Prior to issuance of grading and construction permits, the applicant shall submit revised grading and drainage plans showing the following:
 - a. An earthen berm along the entire length of the landscape buffers on the western and the northern perimeters of the project. The berm shall be contour graded to appear as a natural landform to the greatest extent possible. The berm shall be a minimum of 8 feet tall and shall have side-slopes no steeper than 3:1 (vertical: horizontal).
 - b. Storm water detention basins shall be reconfigured if necessary to accommodate the earthen berms.
 - c. Topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to any cut slopes and to the earthen berms.

- V-7 Prior to issuance of grading and construction permits, the applicant shall submit a slope revegetation and erosion control plan to the Department of Planning and Building for review and approval. The slope revegetation and erosion control plan shall be prepared by a qualified erosion control and revegetation expert approved by the County. The erosion control strategy shall include a mechanical component such as erosion control blanket, as well as a seed mix including grass species found on the adjacent hillsides.

Agricultural Resources

- AG-1 Prior to issuance of construction permits for Lot 6, the applicant shall show that the proposed residence would be located at least 50 feet from the northern property line of Lot 45.

- AG-2 Prior to sale of any lot, the applicant shall provide future landowners with a notification of adjacent agricultural activities and a copy of the County of San Luis Obispo Right-to-Farm Ordinance.

Air Quality

- AQ-1 Prior to issuance of grading permit for tract improvements, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements

outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

AQ-2 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures:

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible;
- l. All PM10 mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

AQ-3 Prior to issuance of construction permits, the following notes shall be shown on construction plans, and shall be implemented during construction:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); and,

- c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines.

AQ-4 Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

Biological Resources

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the project site, and consultation with the Department of Fish and Game, the mitigation ratio is 4:1. Total compensatory mitigation required for the project is 58 acres, based on 4 times 14.5 acres impacted. The mitigation options identified in BR-1 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 Prior to issuance of a grading permit, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 58 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.
- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) or other Department-approved organization pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", totals \$145,000. This fee must be paid after the Department provides written notification about the approved mitigation options, and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 58 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of

credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 58 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

The purpose of the easement is to retain the existing wildlife movement corridor located on the project site and to set aside an un-fragmented section of land that will benefit the San Joaquin kit fox along with other associated plant and animal species. The easement shall:

- 1) Provide a complete corridor through the subject property;
- 2) Prohibit development of the area, including agricultural development;
- 3) Prohibit removal or alteration of native plants and animals;
- 4) Prohibit use of the area for agricultural staging activities or storage of any kind;
- 5) Allow for scientific investigation conducted as part of a project of plan instigated by the land owner, or otherwise approved by the land owner and the United States Fish and Wildlife Service and/or California Department of Fish and Game; and
- 6) Allow for flood control and stream bank stabilization activities conducted with approved state, federal, and local permits.

The easement shall not:

- 7) Allow for or imply public access.

- BR-2 Prior to issuance of construction permit, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- a) Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - b) Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.
- BR-3 Prior to issuance of construction permit, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
- BR-4 Prior to construction, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.

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- BR-5 To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-6 During the construction, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.
- BR-7 All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
- BR-8 Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-9 All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.
- BR-10 No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:
- a. Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - 1) Potential San Joaquin kit fox den: 50 feet
 - 2) Known San Joaquin kit fox den: 100 feet
 - 3) San Joaquin kit fox pupping den: 150 feet
 - b. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for

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any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.

- c. If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

BR-11 Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.

BR-12 Prior to final inspection, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches;
- b. If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94559
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

BR-13 Prior to issuance of grading and construction permits, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey for burrowing owl. The survey shall be conducted within 30-days prior to site disturbance. Results of the survey shall be documented in a report and shall include the date of the survey, methods of inspection, and findings. The report shall be submitted to the County Division of Environmental and Resource Management and the California Department of Fish and Game (CDFG). If no burrowing owls are found to occupy the site at that time, no further measures would be necessary.

If burrowing owls are found within the project site, the CDFG shall be immediately contacted and all measures identified by CDFG and recommended by the retained biologist shall be implemented. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies that either: 1) birds have not begun egg-laying and incubation or 2) that juveniles from the occupied burrows are foraging independently and capable of independent survival. This measure, as well as additional measures required by CDFG for avoiding and mitigating burrow disturbance, shall be implemented if burrowing owls are found on site during the survey.

BR-14 Prior to issuance of grading and construction permits, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.

BR-15 Prior to issuance of grading and construction permits, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.

BR-16 Prior to issuance of grading and construction permits, the applicant shall consult with the California Department of Fish and Game (CDFG) to determine if a Streambed Alteration Permit is necessary for construction of the proposed road within the natural flow path leading into the drainage. The applicant shall submit a copy of the permit or documentation from CDFG stating that a permit is not necessary prior to disturbance within the drainage path.

Cultural Resources

CR-1 Upon submittal of tract improvement plans, the applicant shall submit a monitoring plan prepared by a qualified historic archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:

- a. List of personnel involved in the monitoring activities;
- b. Description of how the monitoring shall occur;
- c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- d. Description of what resources are expected to be encountered;
- e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- f. Description of procedures for halting work on the site and notification procedures;
- g. Description of monitoring reporting procedures.

CR-2 Prior to grubbing and ground disturbance, the applicant shall retain a qualified archaeologist and Native American approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

CR-3 Upon completion of all monitoring/mitigation activities, occupancy, or final inspection, whichever occurs first, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Noise

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- N-1 Prior to final inspection of tract improvements, the applicant shall construct the approved 8-foot tall earthen berm along the eastern perimeter of Lots 1, 11, and 16 through 23.
- N-2 Prior to issuance of construction permits for residents on Lots 1, 11, and 16 through 23, the applicant shall submit building plans demonstrating that noise sensitive portions of the residence (e.g., bedrooms, living rooms, and family rooms) are located on the side of the unit farthest from the source of noise as possible.
- N-3 Prior to issuance of construction permits for residents on Lots 1, 11, and 16 through 23, the applicant shall submit building plans showing the following elements:
 - a. Soffit vents, cave vents, dormer vents and other wall and roof penetrations shall be located on the walls and roofs facing away from the noise source wherever possible. In addition, roof and attic facing the noise source shall be baffled.
 - b. Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues and other breaks in the integrity of the wall, ceiling or roof construction on the side of the dwellings nearest transportation noise source shall receive special attention during construction. All construction openings and joints on the walls facing the highway shall be insulated, sealed and caulked with a resilient, non-hardening, acoustical caulking material. All such openings and joints shall be airtight to maintain sound isolation.

Recreation

- R-1 Prior to recordation of final map, the applicant shall pay all applicable Quimby and Building Division Fees.

Transportation/Circulation

- TR-1 Prior to recordation of the final map, the applicant shall submit revised plans showing the following:
 - a. Right and left turn lanes at the main exit.
 - b. A 40-foot by 40-foot sight triangle free of signs, vegetation, and fences over 32 inches in height at both entrance and exit locations.
 - c. Lighting at both entrance and exit locations.

Wastewater

- WW-1 Prior to recordation of final map, the applicant shall obtain a final will-serve letter for sewage service from the San Miguel Community Services District.
- WW-2 Prior to recordation of final map, the applicant shall construct sewer improvements built to each parcel or shall post a monetary bond to perform the work at a later date.

Water

- W-1 Prior to recordation of final map, the applicant shall obtain a final will-serve letter for water service from the San Miguel Community Services District.

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- W-2 Prior to recordation of final map, the applicant shall construct water improvements built to each parcel or shall post a monetary bond to perform the work at a later date.
- W-3 Prior to issuance of construction permits, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Resources Control Board (SWRCB). The plan shall be implemented prior to and during proposed grading and construction activities.



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**SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING**

JUN - 9 2004

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

FROM:



6/8/2004
PW

Noah Co. Team
(Please direct response to the above)

Michael
SUB 2003-00271
Project Name and Number

Development Review Section (Phone: 781- 788-2009)

PROJECT DESCRIPTION: TR MAP - SFRs, 44 lots, consisting of
10,000 - 15,000 sq. ft. each. Located in San
Miguel, west of Monterey Rd. & Hwy. 101

Return this letter with your comments attached no later than:

6/23/2004

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES (Please go on to Part II)
 NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

✓ NO (Please go on to Part III)
 YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

ZONED AG - Has A SPA been started? INTERSECTIONS with Cemetery Road
NEED LIGHTING. MAIN EXIST From subdivision NEEDS Right & Left TURN LANES.
A TRAFFIC study is needed to look AT IMPACTS to Cemetery Rd / 10th St / Entry RD
Intersection, while they are at it should also look AT SOUTH BOUND Hwy 101 and
Cemetery Rd but I suspect impact will be negligible. a 40'x40' sight triangle
should be maintained at entrance/exit roads free of signs/Bushes/Fences etc per 32 meters.

Date

13 July 2004

Name

Gardner

Phone

5852

EXHIBIT B

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CONDITIONS OF APPROVAL FOR TRACT 2633, MICHAUD/REM

Approved Project

This approval authorizes the division of a _____ acre parcel into _____ parcels of _____ acres / square feet each.

Access and Improvements

☒ Roads and/or streets to be constructed to the following standards:

- a. ON SITE ROADS constructed to a A-2 section within a 50 foot dedicated right-of-way.
- b. CEMETERY RD widened to complete a A-1 section fronting the property.
- c. _____ constructed to a _____ section from the property to _____ (minimum paved width to be _____ feet).

☐ The applicant offer for dedication to the public by certificate on the map or by separate document:

- a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.
- b. For future road improvement _____ feet along _____ to be described as _____.
- c. For road widening purposes _____ feet along _____ to be described as _____ feet from the recorded centerline.
- d. The _____ foot road easement as shown on the tentative parcel map with a _____ foot radius property line return at the intersection of _____.

☒ e. A MIN. 20 foot radius property line return at the intersection of ALL street.

- f. The _____ foot road easement terminating in a county cul-de-sac as shown on the tentative map.

Drainage

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- ☐ _____ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☒ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☒ Submit complete drainage calculations to the Department of Public Works for review and approval.
- ☒ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- ☒ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
- a. granted to the public in fee free of any encumbrance.
 - ☒ b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
 - c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within _____ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to _____ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☒ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) _____, only).
- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall **be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association.** Impervious paving over a disposal area is not considered acceptable.

X

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The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map ~~AND ON THE IMPROVEMENT PLANS.~~

Vector Control and Solid Waste

- ☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet **Land Use Ordinance / Coastal Zone Land Use Ordinance** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

- ☐ Provide minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total ***number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.***
- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

5.83

- d. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- f. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- g. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- h. The limits of inundation from a 100 year storm over lots _____ from _____ creek / river shall be shown on the additional map and note the required building restriction in the on the sheet.
- i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- j. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated _____ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. **(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)**
- l. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- m. **PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE ONLY IF THEY GO BEYOND RECORDATION OF THE MAP** _____
- _____
- _____

Miscellaneous

584



This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer / community water and septic tanks / individual wells and septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.



A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.



Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.



Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.



All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

5-85

☒ The intersection of on site Streets and Cemetery Road be designed in accordance with California Highway Design Manual. Figure 405.7

- ☐ Access be denied to lots _____ from _____ and that this be by certificate and designation on the map.
- ☐ The future alignment of _____ shall be shown on the map as reserved for future public right-of-way.
- ☐ A private easement be reserved on the map for access to lots _____
- ☐ A practical plan and profile for access to lots _____ be submitted to the Department of Public Works and the Department of Planning and Building for approval.

☒ All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

☒ Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:

- ☒ a. Street plan and profile.
- ☒ b. Drainage ditches, culverts, and other structures (if drainage calculations require).
- ☒ c. Water plan (County Health).
- ☒ d. Sewer plan (County Health).
- ☒ e. Grading and erosion control plan for subdivision related improvement locations.
- ☒ f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
- g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
- h. Trail plan, to be approved jointly with the Park Division.

☒ The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

☒ The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

☒ If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:

- a. Submit a copy of all such permits to the Department of Public Works OR
- b. Document that the regulatory agencies have determined that said permit is not longer required.

- ☐ A long term community septic tank and disposal area maintenance plan be submitted to the the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.
- ☐ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.
- ☐ This land division shall be annexed to _____ prior to the filing of the final parcel or tract map for **water service/water and sewer service/sewer maintenance/community septic system maintenance/**_____.

- ☐ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.
- ☐ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

☒ Electric and telephone lines shall be installed underground ~~overhead~~.

☒ Cable T.V. conduits shall be installed in the street.

☒ Gas lines shall be installed.

☐ A _____ feet public utility easement on private property along _____, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

- ☐ The lots shall be numbered in sequence.
- ☐ The _____ on lot _____ be removed or brought into conformance with the **Land Use Ordinance / Coastal Zone Land Use Ordinance** prior to filing the final parcel or tract map. A demolition permit may be required.
- ☐ The lot area of _____ shall contain a minimum area of _____ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).

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Easements

- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
- ☐ An open space easement be recorded for the open space parcel(s). It is to be held *in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building*. The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

- ☐ If a **drainage basin** is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
 - a. Drainage basin fencing. (ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN)
 - b. Drainage basin perimeter landscape screening. (ONLY USE FOR FENCED BASINS)
 - c. Landscaping for erosion control.
- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within _____ days of completion of the improvements.

Mitigations PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP

☐ _____

☐ _____

Additional Map Sheet



The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

CHOOSE APPLICABLE PROVISIONS

- a. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
- b. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity.
- c. That secondary dwellings shall not be allowed on **all lots within the land division / on lots** _____.

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Covenants, Conditions and Restrictions



The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

CHOOSE APPLICABLE PROVISIONS

- a. On-going maintenance of drainage basin fencing in perpetuity.
- ☒ b. On-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of drainage basin landscaping.
- ☒ c. Maintenance of common areas.
- d. Secondary dwellings shall not be allowed.
- e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year.
- i. Maintenance of all local streets within the subdivision until acceptance by a public agency.
- j. The limits of inundation from a 100 year storm over lots _____ from _____ **creek / river** shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. (ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)
- ☒ l. Pay for Street Lights

Low Cost Housing (USE IN COASTAL ZONE ONLY)

- ☐ Provide _____ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the _____ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.



RECEIVED
JUN 9 2004
ENVIRONMENTAL HEALTH

SA LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

589
RECEIVED
JUN 17 2004
DIRECTOR HOLANDA, AICP
DIRECTOR
Planning & Bldg

THIS IS A NEW PROJECT REFERRAL

DATE:

6/8/2004

TO:

Env. Health

FROM:

Noah Co. Team

(Please direct response to the above)

Michael
SUB 2003-00271
Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

TR MAP - SFRs, 44 lots, consisting of
10,000 - 15,000 sq. ft. each. Located in San
Miguel West of Monterey Rd. & Hwy. 101

Return this letter with your comments attached no later than:

6/23/2004

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES (Please go on to Part II)

NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Please have applicant provide a well sure title from San Miguel Community
Service District for water and sewer service. Provide stock conditions
for community water and community sewer. Water and sewer improvements
will be built to each parcel or bonded for to be done later.

6/15/04
Date

L. Salas
Name

781-5551
Phone



COUNTY OF SAN LUIS OBISPO


5-90

JUL 29 2004

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: July 27, 2004
TO: Shawna Scott, Morro Group
FROM: Lynda L. Auchinachie, Agriculture Department 
SUBJECT: Michaud Tract Map SUB2003-00271 (0901)

Summary

The Agriculture Department's review finds that the proposal to subdivide a 24.43 acre parcel into 44 single-family residential lots with approximately 10 acres of open space would result in **less than significant impacts** to agricultural resources or operations with the incorporation of the following mitigation measures into the project.

Recommended Mitigation Measures

1. The residence on Parcel 6 should be located at least 50 feet from the northern property line of Open Space Parcel 45 to reduce potential conflicts with agricultural activities.
2. Purchasers of parcels 6, 7, 12 and 26-31 should be notified of adjacent agricultural activities and the County's Right-to-Farm Ordinance.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

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A. Project Description and Agricultural Setting

The applicant is requesting to subdivide a 24.3-acre parcel into 44 single-family residential lots with approximately 10 acres of open space. The project site is located west of Cemetery Road, directly north of the cemetery in the community of San Miguel. Properties to the north and south are zoned for commercial retail and public facility uses, respectively. The properties to the west of the project site are within the Agriculture land use category. The property and Highway 101 is directly to the east.

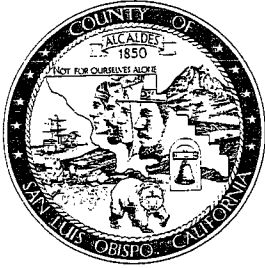
B. Impacts to Adjacent Agricultural Lands

The agricultural lands to the west of the site are not currently intensified. The terrain adjacent to the project site is relatively steep but has been used for grazing. The Agriculture and Open Space Element, Agricultural Policy 17: Agricultural Buffers, promotes the protection of land in the Agricultural designation using buffers in accordance with the agricultural buffer policy and Appendix D. The buffer range for grazing is 50-200 feet. The project is designed with an open space area adequately buffering future residences from the agricultural area with the exception of Parcel 6. A buffer should be established on Parcel 6 to reduce any potential impacts with agricultural activities.

C. Recommended Mitigation Measures

1. The residence on Parcel 6 should be located at least 50 feet from the northern property line of Open Space Parcel 45 to reduce potential conflicts with agricultural activities.
2. Purchasers of Parcels 6, 7, 12 and 26-31 should be notified of adjacent agricultural activities and the County's Right-to-Farm Ordinance.

If we can be of further assistance, please call 781-5914.



COUNTY OF SAN LUIS OBISPO

5-92

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: April 8, 2004

TO: Jim Lopes, Planner III

FROM: Lynda L. Auchinachie, Environmental Resource Specialist

SUBJECT: Michaud General Plan Amendment G030015M (0847)

Executive Summary

The proposed general plan amendment appears to be consistent with policy 24 of the Agriculture and Open Space Element because there has been an indication residential areas within the existing URL are largely built-out; the project site is adjacent to the existing URL; the feasibility of production agriculture is limited due to on-site resources and off-site land use incompatibilities.

The following report is in response to your request for comments on the proposed Michaud General Plan Amendment. The comments and recommendations in our report are based on agricultural policies in the San Luis Obispo County Agriculture and Open Space Element and current departmental goals to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

A. Project Description and Agricultural Setting

The applicant is requesting to change the land use designation on an approximately 24 acre parcel from Agriculture to Residential Single Family. The project site is located west of Cemetery Road, directly north of the cemetery in the community of San Miguel. The applicant's intent is to subdivide the property into 42 residential parcels with an approximately 10 acre open space area. Properties to the north and south are located within the URL and zoned for commercial retail and public facility uses, respectively. The properties to the west of the project site are within the Agriculture land use category and Highway 101 is directly to the east.

The project site consists of approximately 18 acres Class II irrigated soil (Class IV non-irrigated), and approximately six acres of Class IV and VI non-irrigated soils.

B. Evaluation of Agricultural Issues

Introduction

Our evaluation and comments concerning the general plan amendment authorization are in the context of consistency with the Agricultural Policy 24 of the Agriculture and Open Space Element concerning the conversion of Agricultural land. The criteria and procedures for incorporating Agricultural Policy 24 into the evaluation of general plan amendments proposals have not been codified. However, the policy language provides sufficient guidelines and criteria for the review of general plan amendment proposals. In general, there needs to be a determination that the conversion of agricultural land is not premature and that the proposed use cannot be accommodated within the existing URL. On a site specific level, both the agricultural capability of the subject property and impacts to adjacent agricultural lands are considered. Projects which lead to the conversion of land capable of production agriculture, or causes a direct or indirect impact to adjacent agricultural lands are not supported.

1. Timing of Proposed Conversion

The criteria from Agricultural Policy 24 concerning when it may be appropriate to convert agricultural lands is as follow:

- expansion of existing urban or village areas should not occur until such areas are largely built-out, or until such time as additional land is needed to accommodate necessary uses or services that cannot be accommodated within the existing urban area;
- urban expansion should occur only where contiguous to an existing URL;

The Department of Planning and Building has indicated that residential capacity within the URL is limited and there is the need for additional residential development. The project site does meet the criteria for being contiguous to the existing URL. For these reasons, the proposal does not appear to be premature.

2. Agricultural Capability

The list of criteria from Agricultural Policy 24 concerning agricultural capability is as follow:

- the land does not meet the criteria for inclusion in the Agriculture designation; and
- agriculture production is not feasible due to some physical constraint (such as soil infertility, lack of water resource, disease) or surrounding incompatible land uses; and

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- ▶ adjacent lands are already substantially developed with uses that are incompatible with agricultural uses;

Land Use Designation

The project site is located within the Agriculture land use category. The primary reason for inclusion within the Agriculture designation appears to be the land capability of Class II irrigated soil. The project site would meet the soil criteria for an Agriculture designation although parcel size and water availability would limit agricultural feasibility.

Agricultural Resources

The site consists primarily of Class II irrigated/Class IV non-irrigated soil. Production agriculture opportunities are limited due to the size of the parcel. The site does not have a developed irrigation system.

Adjacent Land Use Pattern

The area to the west of the project site is designated as Agriculture and consists of undeveloped properties and rural home sites ranging in size from less than 20 acres up to approximately 50 acres. Highway 101 is located to the east. The area directly to the north is planned for commercial retail development. A cemetery is located to the south of the project site. The future development of a commercial retail facility could be incompatible with agricultural production on the project site.

3. Impacts to Adjacent Agricultural Lands

The criterion from Agricultural Policy 24 concerning impacts to adjacent agricultural lands is as follow:

- ▶ the conversion to non-agricultural use shall not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture;

The proposed general plan amendment would appear to be in compliance with this criterion of the policy. The property to the west of the project site is within the Agriculture land use category. The terrain adjacent to the project site is steep and not currently intensified. There is the potential for grazing. The Agriculture and Open Space Element, Agricultural Policy 17: Agricultural Buffers, promotes the protection of land in the Agricultural designation and/or land with agricultural production using buffers in accordance with the agricultural buffer policy. The buffer range for grazing is 50-200 feet. Agricultural buffers and other mitigation measures will need to be determined by the Agriculture Department before any subdivision or future development of the parcel occurs.

If we can be of further assistance please call, 781-5914.



DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

JUL 07 2004

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

FROM:

TO:

(Please direct response to the above)

Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

TR MAP - SFRs, 44 lots, consisting of 10,000 - 15,000 sq. ft. each. Located in San Miguel, west of Montecito Rd. & Hwy. 101

Return this letter with your comments attached no later than:

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Require payment of Quimby Fees and applicable Building Division fees.

Date

Name

Phone



RECEIVED

JUL 09 2004

Planning & Bldg

5-96

DATE: July 7, 2004

TO: North County Team *J. Lopez*
San Luis Obispo County Department of Planning and Building

FROM: Andy Mutziger *AMR*
San Luis Obispo County Air Pollution Control District

SUBJECT: Michaud: 44 residential lots on existing agricultural land outside of San Miguel URL
(SUB2003-00271, TR 2633)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project to develop 44 single family residential lots adjacent to San Miguel Cemetery west of Monterey Rd and Highway 101 in San Miguel. We have the following comments on the proposal. It should be noted that this project requires a general plan amendment to change the agricultural zoning designation to residential.

This project, like many others, falls below our emissions significance thresholds and is therefore unlikely to trigger a finding of significant air quality impacts requiring mitigation. However, we are concerned with the cumulative effects resulting from the ongoing fracturing of agricultural and increasing residential development in areas far removed from commercial services and employment centers. Such development fosters continued dependency of private auto use as the only viable means of access to essential services and other destinations. This is inconsistent with the land use planning strategies recommended in the Clean Air Plan, which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines. The CAP recommends that areas outside the urban/village reserve lines be retained as open space, agriculture and very low-density residential development (20 acres or larger parcel).

We recognize that there are significant human-interest issues that are difficult to overcome, such as the desire of some applicants to settle estate matters through property splits. However, we believe it is important to emphasize to decision makers that subdivision and future development on these, and similar, rural parcels throughout the county allows a pattern of development to continue that is ultimately unsustainable. Such development cumulatively contributes to existing stresses on air quality, circulation and other natural and physical resources and infrastructure that cannot be easily mitigated. We recommend this zoning change and parcel split be denied.

FUTURE DEVELOPMENT: Should this site be developed against our recommendations, the following air quality concerns are to be addressed:

CONSTRUCTION PHASE MITIGATION

NOx Control Measures for Construction Equipment

The standard construction equipment mitigation measures for reducing nitrogen oxide (NOx) emissions are listed below and in section 6.3.1 of the Air Quality Handbook. These measures are applicable to all projects where construction equipment will be used:

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- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- Maximize, to the extent feasible, the use of diesel construction equipment meeting ARB's 1996 and newer certification standard for off-road heavy-duty diesel engines.

Dust Control Measures

The project shall be conditioned to comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.4 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:

- A. Reduce the amount of the disturbed area where possible.
- B. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- C. All dirt stock pile areas should be sprayed daily as needed.
- D. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- E. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established.
- F. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- G. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- H. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- I. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- J. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- K. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- L. All PM10 mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

5-98

Naturally Occurring Asbestos (NOA)

Naturally Occurring Asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If naturally occurring asbestos is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects. Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information regarding these requirements. If you have any questions regarding these requirements, please contact Karen Brooks of our Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, the District prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, District approval, and issuance of a burn permit by the District and the local fire department authority. The applicant is required to furnish the District with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at (805) 781-5912.

OPERATIONAL PHASE MITIGATION

District staff considered the project impact by comparing it against screening models within the District's Air Quality Handbook. This indicated that operational phase impacts will likely be less than the District's CEQA mitigation threshold value of 10 lbs of emissions per day.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AJM/CMR/sll

cc: Karen Brooks, APCD Enforcement Division

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.gov/dist05>

DEPARTMENT OF TRANSPORTATION



Flex your power!
Be energy efficient!!

5-99

February 9, 2004

SLO - 101 PM 65.56
Michaud Residential
Development File #
G030015M

New Project Referral

Mr. Jim Lopes
County of San Luis Obispo
Dept. of Planning & Building
County Government Center
San Luis Obispo, CA. 93408

RECEIVED

FEB 17 2004

County of San Luis Obispo

Dear Mr. Lopes:

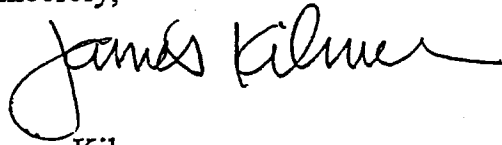
The California Department of Transportation (Department) Development Review Staff has reviewed the above referenced document. As a result, the following comments were generated.

1. Given the existing reserve capacity on the Route 101/10th Street Interchange and the approximate amount of traffic generated by this project (40 to 50 peak hour trips), Development Review Staff, per the Department's *Guide for the Preparation of Traffic Impact Studies*, does not request a traffic impact study for this project at this time. As development continues to occur in the San Miguel area, both the Lead Agency and the Department will want to monitor Levels Of Service (LOS) on the local State Transportation facilities. As new and larger developments warrant it, the Department reserves the right to request traffic studies of the Lead Agency to gauge traffic impacts created by development in the San Miguel area, including but not limited to, the Route 101/10th Street I/C.
2. Given the drainage patterns at this location, (with Route 101 sandwiched between the proposed development and the Salinas River), Department Hydraulics Staff request a set of grading and drainage plans with storm water calculations for a 100-year flood event. Please submit the plans through Development Review.

5-100

Thank you for including the Department in review of this New Project Referral. If you have any questions, please contact me at 549-3683.

Sincerely,

A handwritten signature in black ink that reads "James Kilmer". The signature is written in a cursive style with a large, looping initial "J".

James Kilmer
District 5
Development Review

cc: File, D. Murray, R. Barnes, L. Wickham



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

5-101

RECEIVED
MAR 10 2004

THIS IS A NEW PROJECT REFERRAL

DATE: March 9, 2004

TO: San Miguel CSD

G030015M - Moresco/Michaud
Project Name & Number

FROM: Jim Lopes
Development Review Section (PHONE: 781-5975)

PROJECT DESCRIPTION: A request by Dennis Moresco / Leo and Carol Michaud to amend the Salinas River Area Plan of the Land Use element by changing the land use category on a 20-acre site from Agriculture to residential Single family and include it within the San Miguel Urban Reserve Line. The site is located on Cemetery Road approximately one-quarter mile south of the 10th Street/Highway 101 interchange.

STATUS: The Board of Supervisors authorized the application to be processed on March 2, 2004. The initial study of the application will proceed next. Comments on the amendment should address your agency's technical concerns at this time.

Services?
Return this letter with your comments attached no later than March 23, 2004

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to PART III.)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Mr. Moresco understands the Requirements
of the District - We Support The Project
Request

3-10-04
Date

[Signature]
Name

467-9300
Phone

REF.ltr\1/23/96/lj



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

5-102

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED
JUL 10 2004

THIS IS A NEW PROJECT REFERRAL

DATE:

6/8/2004

TO:

San Miguel Fire

FROM:

North Co. Team

(Please direct response to the above)

Michael

SUB 2003-00271

Project Name and Number

Development Review Section (Phone: 731-788-2009)

PROJECT DESCRIPTION:

TR MAP - SFRs, 44 lots, consisting of
10,000 - 15,000 sq. ft. each. Located in San
Miguel, west of Monterey Rd. & Hwy. 101

Return this letter with your comments attached no later than:

6/23/2004

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES

(Please go on to Part II)

☐ NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO

(Please go on to Part III)

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Preliminary will serve for fire, sewer, water issued

6-11-04
Date

J.M. ELLISON
Name

467-3300
Phone

PROJECT REFERRAL
COMMUNITY ADVISORY COUNCIL

Date Referred: 6-21-04

5-103

Project Planner/Manager: Jim Lopes ph. 781-5975

The attached application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your community group, we are enclosing a copy of the project application and plan for your preliminary review and comment. Please comment on all issues that you see may be associated with this project.

You may want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone number and address for the applicant / agent are provided on the application form that is attached.

PROJECT INFORMATION

File Number: SUB 2003-00271 Applicant: Michand
Request: Tract map for 44 clustered lots, consisting of 10,000 - 15,000 sq. ft. each, located in San Miguel on Cemetery Road west of Highway 101.

STAFF COMMENTS

This tract map follows the General Plan amendment request and shows a very similar design to the original concept.

C.A.C. COMMENTS *The attached checklist is to help you with your review. You may choose to complete the checklist as your only response to this referral.*

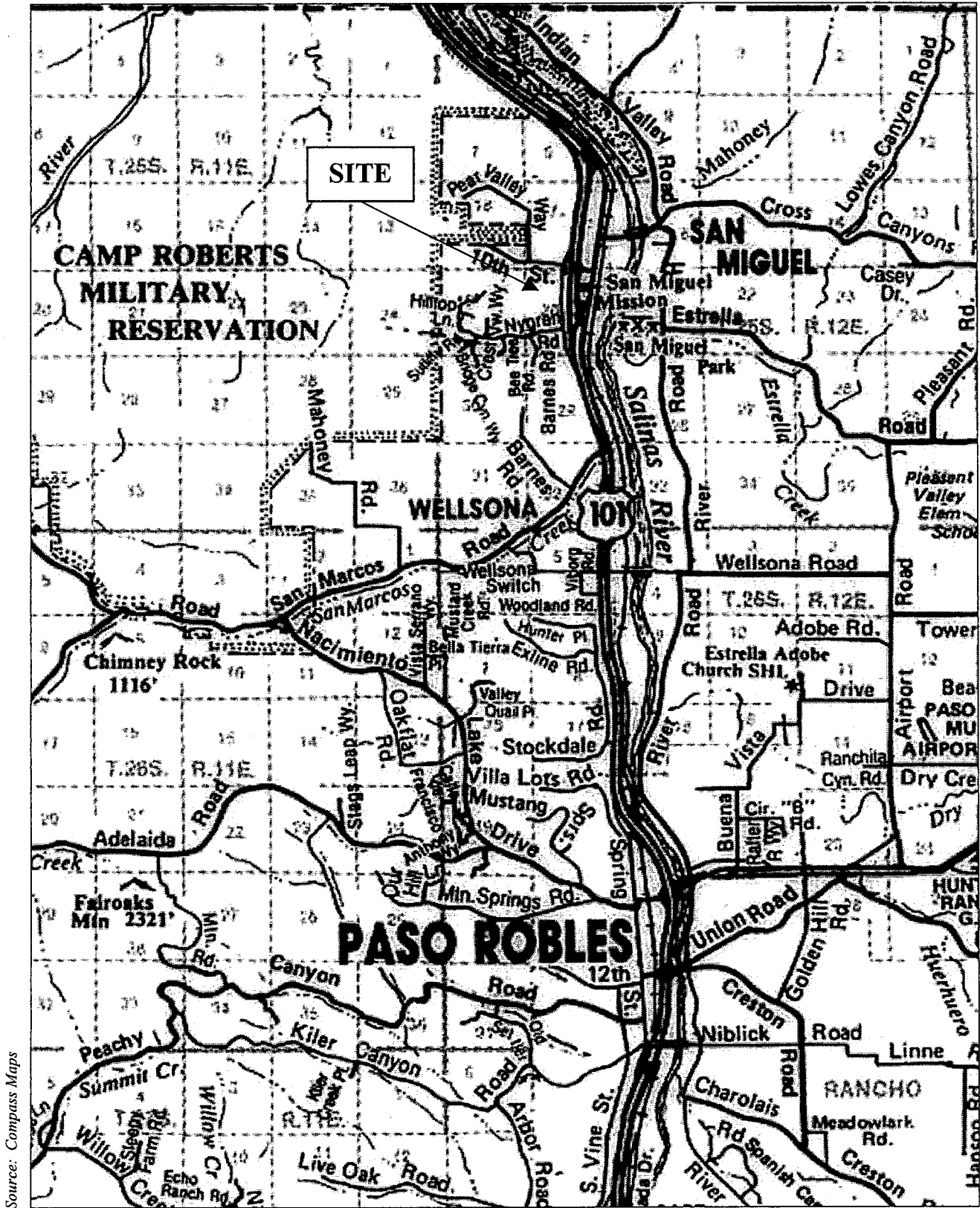
- ☐ We have received the referral on the above-referenced project and have no comments.
☒ We have received the referral on the above-referenced project and have the following comments:

This proposal is consistent with earlier submittals. The Advisory Committee supports the proposed tract map.

Please let us know the following:

- | | | |
|------------------------------|-----------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Does your community group want to receive notice of the public hearing for the project? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Does your community group want a copy of the staff report when the project goes to public hearing? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Does your community group want to receive notice of the final action for the project? |

Date Referral Action Taken By Community Advisory Council: JUNE 23, 2004



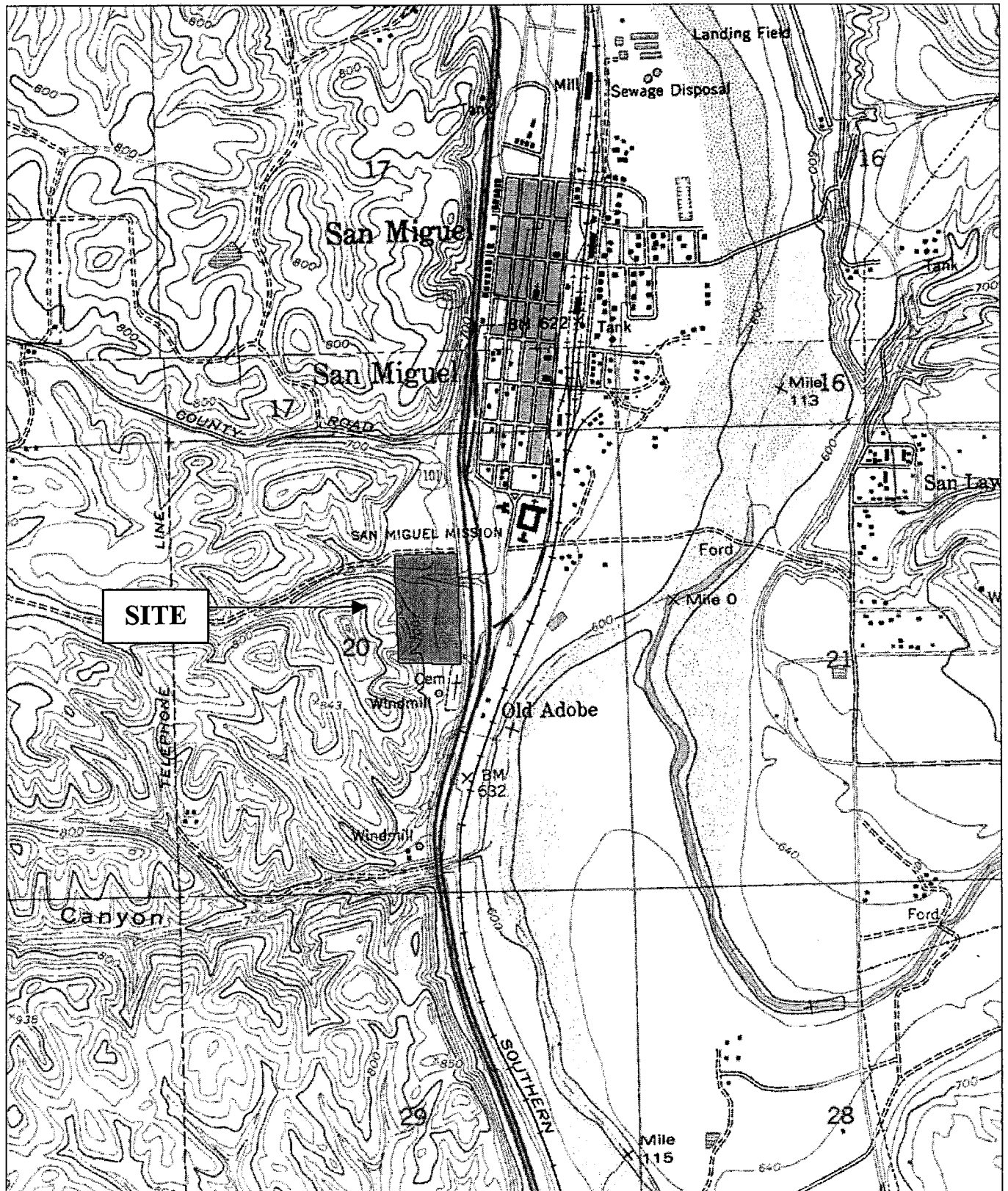
Source: Compass Maps



NORTH
Not to Scale

VICINITY MAP
FIGURE 1

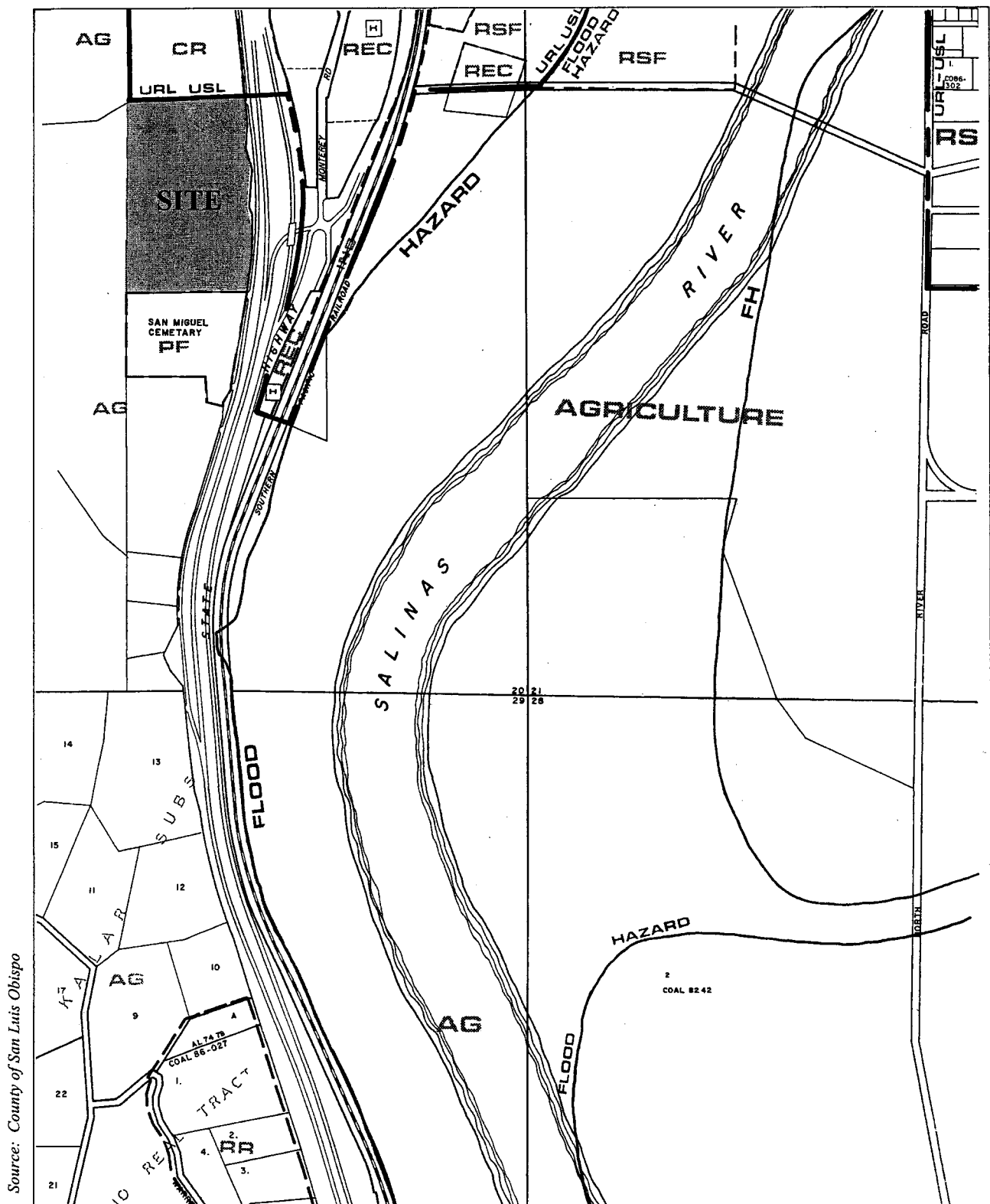
Source: USGS Quadrangle



NORTH
Not to Scale

**LOCATION MAP
FIGURE 2**

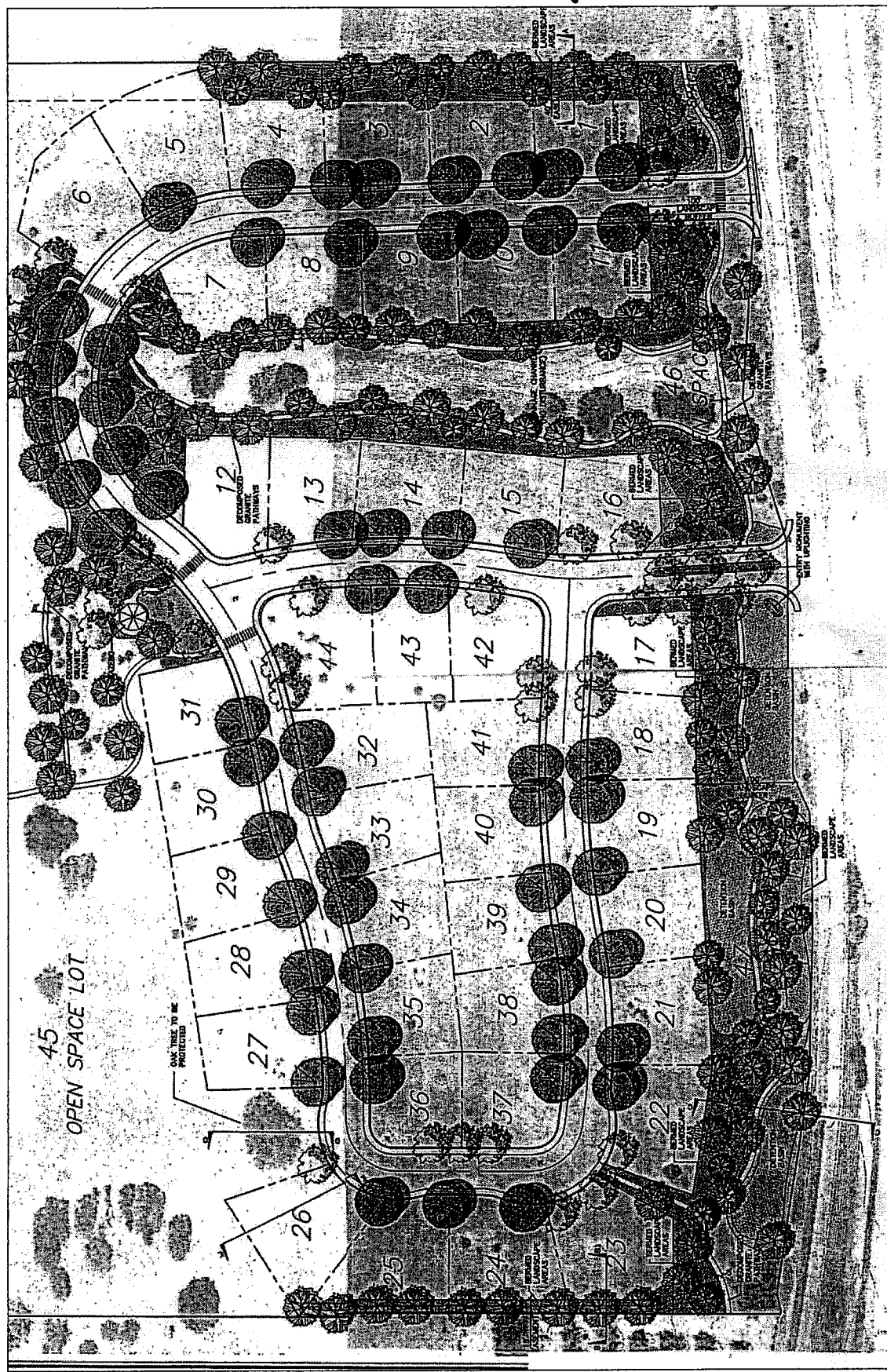
5-106



NORTH
Not to Scale

LAND USE CATEGORY
FIGURE 3

5-107



NORTH
Not to Scale

PROPOSED TRACT MAP AND
LANDSCAPE PLAN
FIGURE 4

5-108

**DEVELOPER'S STATEMENT FOR THE
MICHAUD GENERAL PLAN AMENDMENT AND
TRACT MAP/CONDITIONAL USE PERMIT; G030015M, SUB2003-00271 TR2633**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

General Plan Amendment

The following limitations shall be incorporated into the design of Tentative Tract Map 2633 for the 24-acre project site:

1. Proposed subdivision plans shall incorporate landscape buffers as follows:
 - a. 15 feet along the southern property boundary;
 - b. 100 feet along the eastern property boundary, and;
 - c. 40 feet along the northern property boundary.
2. Ridge top development shall be avoided, and future development shall not be constructed above the natural 687-foot elevation contour.
3. All development shall visually blend with the existing topography, and all cut and fill slopes shall be rounded to reduce the transition between slope angles. The finished building pad for each proposed residential structure should be constructed at or lower than an elevation calculated to be the average of the highest natural elevation and the lowest natural elevation on that lot. The maximum height of each proposed residence shall not exceed 20 feet above the determined average natural grade for each proposed lot. The design of residences shall incorporate the use of hipped-roof design, and exterior colors shall be muted, earthtone shades and shall not have a Munsell chroma or value greater than six.
4. A landscape plan shall be submitted at the time of application and shall provide 50 percent screening of structures within five years of initial planting, 80 percent screening of structures within 10 years of planting, and shall utilize native, drought-tolerant vegetation. No irrigated turf or ornamental ground covers shall be used within landscape buffer areas.
5. An exterior lighting plan shall be submitted at time of application, and shall meet the following standards:
 - a. The maximum height of street light standards shall not exceed twelve feet;
 - b. Direct views of exterior lighting sources shall be shielded from view from public roads;
 - c. Lights shall be designed and constructed to reduce illumination of the hillside to the west, and;
 - d. Illumination levels of streetlights shall be the minimum required by public safety policy and ordinances.

Tract Map and Conditional Use Permit**5-109****AESTHETICS**

V-1 Prior to recordation of the final subdivision map and issuance of grading and construction permits, the applicant shall submit revised grading and drainage plans to the Department of Planning and Building for review and approval showing the following:

- a. The finished building pad for each residential structure shall be constructed below an elevation calculated to be the average of the highest natural elevation and the lowest natural elevation (the existing average natural elevation) on lots 1 - 6, 11 and 16 - 23 (except within scenic landscape easement areas, which shall not be excavated other than for slope contouring); at or lower than the average natural elevation on lots 26 - 31; and no more than three feet above average natural elevation where necessary on lots 7 - 10, 12 - 15, and 32 - 44 (listed numbers are inclusive). Scenic landscape easement areas on lots 1 - 6 and 23 - 26 shall not be graded below natural grade.
- b. All cut and fill slopes shall include slope-rounding to reduce the transition between adjacent slope-angles and so the slopes appear as naturally occurring landforms to the greatest extent possible.
- c. Earthen berms along the entire length of the landscape buffers on the southern, eastern and the northern perimeters of the project. The berms shall be contour graded to appear as a natural landform to the greatest extent possible, with varying degrees of slope, between 2:1 and 4:1 (vertical:horizontal). The berms on the eastern border of the site shall be a minimum of 8 feet tall, and berms on the southern and northern borders shall be 4 to 5 feet tall minimum.
- d. Storm water detention basins shall be reconfigured if necessary to accommodate the earthen berms.
- e. Notes that topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to any cut slopes and to the earthen berms.

Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field.

V-2 Prior to recordation of the final subdivision map and issuance of construction permits, the applicant shall submit architectural plans and elevations of all proposed structures to the Department of Planning and Building for review and approval. The plans and elevations shall show forms, dimensions, exterior finish materials, and colors as follows:

- a. The maximum height of all residential structures shall not exceed 20 feet above finished pad elevation;
- b. The residential structures shall use hipped-roof forms, except that gable roof ends may be utilized as secondary accent or entry features where their eave lines shall be no higher than two feet above the primary roof eave, their peak shall no higher than 14 feet and be below the primary roof ridgeline in elevation view. The pitch of gable roofs shall be at or below 4:12.
- c. Exterior colors of all structures, including the residence, retaining walls and other walls shall be limited to muted darker earth tones and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building, and;
- d. Roof colors shall be limited to deep earth tones, deep muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. Red, terra cotta and orange colors shall not be used. Glossy roofing material shall not be used.

Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field.

- V-3 Prior to recordation of the final subdivision map and issuance of construction permits,** the applicant shall submit a landscape and irrigation plan for the front landscape area and north and south side scenic landscape easements, and interior screening trees, to include:
- Native, drought-tolerant plants and trees selected for their year-round screening capabilities.
 - Plant selection and design that presents a classic, early California landscape rather than modern, ornamental or Mediterranean designs.
 - Minimum 24-inch box container size for all screen trees in scenic landscape areas, street trees and screening yard trees.
 - Trees and large-growing shrubs that provide 50 percent screening of structures within five years of initial planting and 80 percent screening of structures within 10 years of planting.
 - Planting design that forms clusters and diagonal screens of views from north and southbound traffic on Highway 101 and Cemetery Road, explicitly for screening of residential structures, fences and walls.
 - Design and location of yard fences or walls located within the front, north and south scenic landscape areas such that they are screened from view of Highway 101 and Cemetery Road, or are designed with open wire, rural character.
 - No irrigated turf or ornamental ground covers shall be used within landscape buffer areas.
 - Street trees to be species from the scenic landscape plan, rather than ornamental trees, to provide interior screening within the tract.
 - Yard trees within lots 7 – 10, 12 – 15, 32 – 44 for supplemental screening of structures where pad elevations are at grade or above.
 - Creek natural area landscaping, including riparian trees such as Live oak, Sycamore and Willow, to provide visual definition of the corridor, shading and wildlife value.
 - Retention of native trees that are greater than two inches caliper where feasible.
- V-4 Prior to inspection of tract improvements,** the screen planting areas of the landscape plan (identified in no. V-3) shall be implemented, and the applicant shall provide a letter to the County of San Luis Obispo Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified professional for the purpose of monitoring the success of the screen planting area, with responsibility transferred to the Home Owners Association once the applicant is no longer a majority interest in the HOA. This arrangement is to be stated in the CC&Rs. All trees (existing, planted, and transplanted) within the screen planting area shall be maintained until fully established and shall provide 50 percent screening of structures within five years of initial planting, 80 percent screening of structures within 10 years of planting as determined by the contracted landscape professional. Trees within the screen planting area that die shall be replaced. If 100 percent of landscape screening is not maintained and growing, accounting for standard plant replacement factor of approximately 25 percent, within one year of tract improvement approval, the County shall withhold occupancy permits and final inspection of residences. The monitoring contract shall include funding by the applicant and, upon transfer, the Home Owners Association, to pay for the monitor to conduct at a minimum an annual site visit and assessment of the planting success for either; ten years or attainment of 80% screening, whichever comes first, and provide an annual monitoring report. The report shall be submitted annually to the Department of Planning and Building for approval and shall be used as a determining factor in assessing the successful establishment and maintenance of the planting.

Monitoring: The County Planning and Building Department shall verify compliance and receipt of monitoring reports.

V-5 Prior to recordation of the final subdivision map and issuance of grading and construction permits, the applicant shall submit exterior lighting plans to the Department of Planning and Building for review and approval showing the following:

- a. The maximum height of street light standards shall be twelve feet above ground;
- b. Direct views of all exterior lighting sources including street lights and residential lights shall be shielded from view from public roads;
- c. Lights shall be designed and constructed to reduce illumination of the hillside west of the project, and;
- l. Illumination levels of street lights shall be the minimum required by public safety policy and ordinances as demonstrated by a photometrics analysis.
- m. Proposed selection of residential exterior lights that meet these criteria and Land Use Ordinance Section 22.10.060 as examples for inclusion within the CC&Rs as preferred types of lights, and provide examples of discouraged or prohibited lights as information to future homeowners.

Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field.

V-6 Prior to recordation of the final subdivision map and issuance of grading and construction permits, the applicant shall submit revised grading and drainage plans showing the following:

Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field.

V-7 Prior to issuance of grading and construction permits, the applicant shall submit a slope revegetation and erosion control plan to the Department of Planning and Building for review and approval. The slope revegetation and erosion control plan shall be prepared by a qualified erosion control and revegetation expert approved by the County. The erosion control strategy shall include a mechanical component such as erosion control blanket, as well as a seed mix including grass species found on the adjacent hillsides.

Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field.

AGRICULTURAL RESOURCES

AG-1 Prior to issuance of construction permits for Lot 6, the applicant shall show that the proposed residence would be located at least 50 feet from the rear property line of Lot 45.

Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field.

AG-2 Prior to sale of any lot, the applicant shall provide future landowners with a notification of

adjacent agricultural activities and a copy of the County of San Luis Obispo Right-to-Farm Ordinance.

Monitoring: The County Planning and Building Department shall verify compliance.

AIR QUALITY

AQ-1 Prior to issuance of grading permit for tract improvements, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

Monitoring: The County Planning and Building Department, in consultation with the Air Pollution Control District, shall verify compliance.

AQ-2 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures:

- Reduce the amount of disturbed area where possible;
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off;
- Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible;
- All PM10 mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust

control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field, in consultation with the Air Pollution Control District.

AQ-3 Prior to issuance of construction permits, the following notes shall be shown on construction plans, and shall be implemented during construction:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); and,
- c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines.

Monitoring: The County Planning and Building Department shall verify required elements on plans and implementation in the field, in consultation with the Air Pollution Control District.

AQ-4 Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

Monitoring: The County Planning and Building Department, in consultation with the Air Pollution Control District, shall verify compliance.

BIOLOGICAL RESOURCES

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the project site, and consultation with the Department of Fish and Game, the mitigation ratio is 4:1. Total compensatory mitigation required for the project is 58 acres, based on 4 times 14.5 acres impacted. The mitigation options identified in BR-1 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a re-evaluation of the mitigation measures would be required.

BR-1 Prior to issuance of a grading permit, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement

5-114

of 58 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) or other Department-approved organization pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", totals \$145,000. This fee must be paid after the Department provides written notification about the approved mitigation options, and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 58 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 58 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

The purpose of the easement is to retain the existing wildlife movement corridor located on the project site and to set aside an un-fragmented section of land that will benefit the San Joaquin kit fox along with other associated plant and animal species. The easement shall:

- 1) Provide a complete corridor through the subject property;
- 2) Prohibit development of the area, including agricultural development;
- 3) Prohibit removal or alteration of native plants and animals;
- 4) Prohibit use of the area for agricultural staging activities or storage of any kind;
- 5) Allow for scientific investigation conducted as part of a project of plan instigated by the land owner, or otherwise approved by the land owner and the United States Fish and Wildlife Service and/or California Department of Fish and Game; and

- 6) Allow for flood control and stream bank stabilization activities conducted with approved state, federal, and local permits.

The easement shall not:

- 7) Allow for or imply public access.

Monitoring: The Department of Planning and Building shall verify receipt of verification letter and shall approve mitigation in consultation with the California Department of Fish and Game.

BR-2 Prior to issuance of construction permit, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
- b. Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of pre-construction survey letter and monitoring reports.

BR-3 Prior to issuance of construction permit, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of pre-construction survey letter and monitoring reports.

BR-4 Prior to construction, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.

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Monitoring: All workers shall sign a training attendance sheet; the sheet shall be submitted to the Department of Planning and Building.

- BR-5 To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation,** steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

- BR-6 During the construction,** any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

- BR-7** All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

- BR-8** Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

- BR-9** All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

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BR-10 No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:

- a. Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - 1) Potential San Joaquin kit fox den: 50 feet
 - 2) Known San Joaquin kit fox den: 100 feet
 - 3) San Joaquin kit fox pupping den: 150 feet
- b. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
- c. If any known or potential San Joaquin kit fox dens are discovered within the building envelope that shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

BR-11 Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

BR-12 Prior to final inspection, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches;
- b. If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.

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Monitoring: Compliance shall be documented in the weekly monitoring reports.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94559
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

BR-13 Prior to issuance of grading and construction permits, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey for burrowing owl. The survey shall be conducted within 30-days prior to site disturbance. Results of the survey shall be documented in a report and shall include the date of the survey, methods of inspection, and findings. The report shall be submitted to the County Division of Environmental and Resource Management and the California Department of Fish and Game (CDFG). If no burrowing owls are found to occupy the site at that time, no further measures would be necessary.

If burrowing owls are found within the project site, the CDFG shall be immediately contacted and all measures identified by CDFG and recommended by the retained biologist shall be implemented. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies that either: 1) birds have not begun egg-laying and incubation or 2) that juveniles from the occupied burrows are foraging independently and capable of independent survival. This measure, as well as additional measures required by CDFG for avoiding and mitigating burrow disturbance, shall be implemented if burrowing owls are found on site during the survey.

Monitoring: The Department of Planning and Building shall verify receipt of required survey reports.

BR-14 Prior to issuance of grading and construction permits, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.

Monitoring: The Department of Planning and Building shall verify compliance.

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BR-15 Prior to issuance of grading and construction permits, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.

Monitoring: The Department of Planning and Building shall verify receipt of required elements on plans and implementation in the field.

BR-16 Prior to issuance of grading and construction permits, the applicant shall consult with the California Department of Fish and Game (CDFG) to determine if a Streambed Alteration Permit is necessary for construction of the proposed road within the natural flow path leading into the drainage. The applicant shall submit a copy of the permit or documentation from CDFG stating that a permit is not necessary prior to disturbance within the drainage path.

Monitoring: The Department of Planning and Building shall verify receipt of required permits and/or authorizations.

CULTURAL RESOURCES

CR-1 Upon submittal of tract improvement plans, the applicant shall submit a monitoring plan prepared by a qualified historic archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:

- a. List of personnel involved in the monitoring activities;
- b. Description of how the monitoring shall occur;
- c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- d. Description of what resources are expected to be encountered;
- e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- f. Description of procedures for halting work on the site and notification procedures;
- g. Description of monitoring reporting procedures.

Monitoring: The Department of Planning and Building shall verify receipt of the monitoring plan.

CR-2 Prior to grubbing and ground disturbance, the applicant shall retain a qualified archaeologist and Native American approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

Monitoring: The Department of Planning and Building shall verify compliance and receipt of monitoring reports.

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- CR-3** Upon completion of all monitoring/mitigation activities, occupancy, or final inspection, whichever occurs first, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Monitoring: The Department of Planning and Building shall verify compliance and receipt of monitoring reports.

NOISE

- N-1** Prior to final inspection of tract improvements, the applicant shall construct the approved 8-foot tall earthen berm as close as possible to the eastern perimeter of Lots 1, 11, and 16 through 23 for maximum attenuation. The berm shall be fully landscaped to minimize erosion and ensure long-term stability.

Monitoring: The Department of Planning and Building shall verify compliance.

RECREATION

- R-1** Prior to recordation of final map, the applicant shall pay all applicable Quimby and Building Division Fees.

Monitoring: The Department of Planning and Building shall verify compliance.

TRANSPORTATION AND CIRCULATION

- TR-1** Prior to recordation of the final map, the applicant shall submit revised plans showing the following:
- Right and left turn lanes at the main exit.
 - A 40-foot by 40-foot sight triangle free of signs, vegetation, and fences over 32 inches in height at both entrance and exit locations.
 - Lighting at both entrance and exit locations.

Monitoring: The Department of Planning and Building, in consultation with the Department of Public Works shall review and approve all required plans.

WASTEWATER

- WW-1** Prior to recordation of final map, the applicant shall obtain a final will-serve letter for sewage service from the San Miguel Community Services District.

Monitoring: The Department of Planning and Building shall verify compliance.

- WW-2** Prior to recordation of final map, the applicant shall construct sewer improvements built to each parcel or shall post a monetary bond to perform the work at a later date.

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Monitoring: The Department of Planning and Building shall verify compliance.

WATER

- W-1 Prior to recordation of final map,** the applicant shall obtain a final will-serve letter for water service from the San Miguel Community Services District.

Monitoring: The Department of Planning and Building shall verify compliance.

- W-2 Prior to recordation of final map,** the applicant shall construct water improvements built to each parcel or shall post a monetary bond to perform the work at a later date.

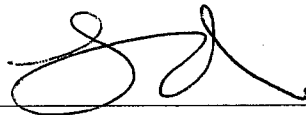
Monitoring: The Department of Planning and Building shall verify compliance.

- W-3 Prior to issuance of construction permits,** the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Resources Control Board (SWRCB). The plan shall be implemented prior to and during proposed grading and construction activities.

Monitoring: The Department of Planning and Building, in consultation with the Department of Public Works shall review and approve all required plans.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Owner(s)



Date

5/19/05

Name (Print)

LEO MICHAUD

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